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# PENNSYLVANIA BULLETIN

Volume 26  
Saturday, August 24, 1996 • Harrisburg, Pa.  
Number 34  
Pages 4067—4202

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Environmental Quality Board  
New Reclamation and Remining Incentives

See Part III page 4197 for the  
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Treasury Department  
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Wild Resource Conservation Fund

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

**No. 261, August 1996**

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**PENNSYLVANIA**

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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**  
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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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The 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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# PENNSYLVANIA BULLETIN

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## **Part II**

This part contains the  
Environmental Quality Board  
New Reclamation and Remining Incentives

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# BULLETIN

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# PENNSYLVANIA BULLETIN

Volume 26 Number 34  
Saturday, August 24, 1996 • Harrisburg, Pa.

## **Part III**

This part contains the  
Department of Conservation and Natural Resources  
Proposed Revisions to Schedule of Fees and  
Charges for State Recreation Areas

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# THE GENERAL ASSEMBLY

## GENERAL ASSEMBLY

### Proposed Amendments to the Constitution of Pennsylvania

The following are true copies of Joint Resolutions of the Pennsylvania General Assembly regarding amendments to the Constitution of Pennsylvania that were proposed in the General Assembly during either the 1995-96 Session or the Special Session No. 1 of 1995. The proposed amendments were agreed to by a majority of the members elected to the Senate and the House of Representatives, pursuant to Article XI, Section 1 of the Constitution, the Secretary of the Commonwealth has caused the proposed amendments to be published here. Any of these proposed amendments agreed to by a majority of the Senators and Representatives elected to the General Assembly at the November 5, 1996 General Election will be published again and then submitted to the qualified electors of Pennsylvania for approval. If approved by a majority of the electors voting on it, an amendment becomes part of the Constitution.

Anyone who needs help reading this advertisement or who needs the text of the proposed amendments in an alternative format may call or write the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, Room 304 North Office Building, Harrisburg, PA 17120, (717) 787-5280.

YVETTE KANE,  
*Secretary of the Commonwealth*

#### Senate Bill No. 4, Special Session No. 1 of 1995

(Joint Resolution 1995-2)

(Printer's No. 112)

#### A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the composition and powers of the Board of Pardons.

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

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 9 of Article IV be amended to read:

§ 9. Pardoning power; Board of Pardons.

(a) In all criminal cases except impeachment the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, **and in the case of a sentence of death or life imprisonment, on the unanimous recommendation in writing of the Board of Pardons**, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of **[two-thirds or]** a majority of the members elected to the Senate **[as is specified by law]**

for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania **[and shall be recognized leaders in their fields; one]**. **One shall be a [member of the bar,] crime victim; one a [penologist,] corrections expert;** and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection.

#### Senate Bill No. 12, Special Session No. 1 of 1995

(Joint Resolution 1995-3)

(Printer's No. 113)

#### A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

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

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 14 of Article I be amended to read:

§ 14. Prisoners to be bailable; habeas corpus.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses **or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community** when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

#### Senate Bill No. 752, Session of 1995

(Joint Resolution 1996-1)

(Printer's No. 2065)

#### A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for trial by jury and waiver of this right.

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

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 6 of Article I be amended to read:

§ 6. Trial by jury.

Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. **Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.**

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania



and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendment is passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

**House Bill No. 1865, Session of 1995**

**(Joint Resolution 1996-2)**

**(Printer's No. 2287)**

**A JOINT RESOLUTION**

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

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

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 14 of Article VII be amended to read:

§ 14. Absentee voting.

(a) The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the [ **State or county** ] **municipality** of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

**(b) For purposes of this section, "municipality" means a city, borough, incorporated town, township or any similar general purpose unit of government which may be created by the General Assembly.**

Section 2. Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

**Senate Bill No. 284, Session of 1995**

**(Joint Resolution 1996-3)**

**(Printer's No. 2205)**

**A JOINT RESOLUTION**

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing an exclusion from taxation of a portion of the assessed value of homestead property.

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

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 2(b) of Article VIII be amended by adding a clause to read:

§ 2. Exemptions and special provisions.

\*\*\*

(b) The General Assembly may, by law:

\*\*\*

**(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed one-half of the median assessed value of all homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.**

\*\*\*

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendment is passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

[Pa.B. Doc. No. 96-1363. Filed for public inspection August 23, 1996, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### [231 PA. CODE PART II]

#### Proposed Amendments to Rules Relating to Beneficiaries and Intestate Heirs; Recommendation 1995-1

The Orphans' Court Rules Committee proposes to amend Orphans' Court Rules 5.6 and 5.7 governing notice to beneficiaries and intestate heirs. The amendment is being submitted to the Bench and Bar for comments and suggestions prior to submission to the Supreme Court. All comments in reference to the proposed amendment should be sent not later than October 9, 1996 to:

Dean R. Phillips, Esquire,  
Counsel, Orphans' Court Rules Committee,  
Exton Office Court,  
Suite 150,  
300 North Pottstown Pike,  
Exton, Pennsylvania 19341.

The Explanatory Comment which appears in connection with the proposed amendment has been inserted by the Committee for the convenience of the Bench and Bar. It will not constitute part of the Rule nor will it be officially adopted or promulgated by the Court.

HONORABLE ROBERT A. KELLY,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS' COURT RULES

#### RULE 5. NOTICE

##### Rule 5.6. Notice to Beneficiaries and Intestate Heirs.

(a) *Requirements of notice.* Within three (3) months after the grant of letters, the personal representative to whom original letters have been granted, or **[ his ] the personal representative's** counsel shall send a written notice of estate administration in substantially the form **[ prescribed to ] set forth below to:**

(1) every person, corporation, association and entity or other party named in decedent's will as an outright beneficiary whether individually or as a class member;

(2) **the decedent's spouse and children, whether or not they are named in, or have an interest under, the will;**

(3) **where there is an intestacy in whole or in part, to every person entitled to inherit as an intestate heir under Chapter 21 of the Probate, Estate and Fiduciaries Code;**

**[ (2) ] (4)** the appointed guardian of the estate, parent or legal custodian of any beneficiary who is a minor child under the age of **eighteen** (18) years;

**[ (3) ] (5)** the appointed guardian of the estate or, in the absence of such appointment, the institution or

person with custody of any beneficiary who is an adjudicated **[ mental incompetent ] incapacitated person;**

**[ (4) ] (6)** the Attorney General on behalf of any charitable beneficiary whose interest exceeds \$25,000 or which will not be paid in full;

**[ (5) ] (7)** the Attorney General on behalf of any governmental beneficiary **[ or in default of the other heirs of the estate; and ]**

**[ (6) ] (8)** the trustee of any trust which is a beneficiary; and

**[ (7) the spouse, children or other intestate heirs of the decedent as determined under Chapter 21 of the Probate Estates and Fiduciaries Code. ]**

**(9) such other persons and in such manner as may be required of any local rule of court.**

(b) **[ Contents of notice.** The notice shall contain the following information:

**(1) the date and place of decedent's death;**

**(2) whether decedent died testate or intestate;**

**(3) the county in which original letters were granted;**

**(4) the names, addresses and telephone numbers of all appointed personal representatives and their counsel; and**

**(5) a copy of the will or a description of the beneficiary's interest in the estate. ]**

*Definition of beneficiary.* "Beneficiary" shall be deemed to include any person who may have an interest by virtue of the Pennsylvania anti-lapse statute, 20 Pa.C.S. § 2514.

(c) *Manner of notice.* Notice shall be given by personal service or by first-class, prepaid mail to each **[ party ] person and entity entitled to notice under subparagraphs (a)(1)—[ (7) ] (9)** whose address is known or reasonably available to the personal representative.

(d) *Certification of notice.* Within ten (10) days after giving the notice required by subdivision (a) of this Rule, the personal representative or **[ his ] the personal representative's** counsel shall file with the Register or Clerk **[ his, her or its ]** a certification in **[ substantially ]** the **[ attached ]** form **set forth below** that notice has been given as required by this Rule. No fee shall be charged by the Register or Clerk for filing the certification required by **[ paragraph (d) ] this paragraph.**

(e) *Failure to file certification.* Upon the failure by the personal representative or **[ his ] the personal representative's** counsel to file the certification on a timely basis, the Register shall, after ten (10) days prior written notice to the delinquent fiduciary and his counsel, notify the Court of such delinquency **[ along with a request that the Court conduct a hearing to determine whether sanctions shall be imposed upon the delinquent personal representative or his counsel. ]**

(f) *Effect of notice.* This Rule shall not alter, diminish or confer additional substantive rights upon any beneficiary.

(g) *Copies of rule.* The Register shall deliver a copy of [ this rule ] Rules 5.6 and 5.7 to each personal representative and counsel at the time letters are granted.

**Official Note: It is not the intention of the Rule to require notice beyond the degree of consanguinity**

**entitling a person to inherit under Chapter 21 of the Probate Estates and Fiduciaries Code.**

(Explanatory Comment: The Committee recommends deletion of the form of Notice of Beneficial Interest in Estate found at 231 Pa. Code Part II, Rule 5.6 pages 422 (168432) and 423 (168433) and adoption of the following Notice of Estate Administration).

**Rule 5.7. Form of Notice to Beneficiaries and Intestate Heirs.**

*IMPORTANT NOTICE*

NOTICE OF ESTATE ADMINISTRATION

*THIS NOTICE DOES NOT MEAN THAT YOU WILL RECEIVE ANY MONEY OR PROPERTY FROM THIS ESTATE OR OTHERWISE.*

Whether you will receive any money or property will be determined wholly or partly by the decedent's will. If the decedent died without a will, whether you will receive any money or property will be determined by the intestacy laws of Pennsylvania.

BEFORE THE REGISTER OF WILLS, COUNTY OF \_\_\_\_\_, PENNSYLVANIA

In re Estate of \_\_\_\_\_, deceased,  
No. \_\_\_\_\_ of \_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address)

Please take notice of the death of decedent and the grant of letters to the personal representative(s) named below.

The Decedent \_\_\_\_\_, died on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ County, Pennsylvania.

\_\_\_\_\_ The Decedent died testate (with a Will); or  
\_\_\_\_\_ The Decedent died intestate (without a Will).

The personal representative of the Decedent is \_\_\_\_\_(name, address and telephone number).

If the Decedent died testate, the will has been filed with the Office of the Register of Wills of \_\_\_\_\_ County (address and telephone number).

If the Decedent died intestate, a Petition for the Grant of Letters of Administration was filed with the Office of the Register of Wills of \_\_\_\_\_ County, (address and telephone number).

A copy of the Will or Petition may be obtained by contacting the Register of Wills and paying the charges for duplication.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone ( ) \_\_\_\_\_

Capacity: \_\_\_ Personal Representative  
          \_\_\_ Counsel for personal representative

(Explanatory Comment: The Committee does not propose to amend the form of Certification Under Rule 5.6(a)).

CERTIFICATION UNDER RULE 5.6(a)

Name of Decedent: \_\_\_\_\_

Date of Death: \_\_\_\_\_

Will No. \_\_\_\_\_ Admin. No. \_\_\_\_\_

To the Register:

I certify that notice of [ **beneficial interest** ] **estate administration** required by Rule 5.6(a) of the Orphans' Court Rules was served on or mailed to the following beneficiaries of the above-captioned estate on .

<i>Name</i>	<i>Address</i>
_____	_____
_____	_____
_____	_____

Notice has now been given to all persons entitled thereto under Rule 5.6(a) except \_\_\_\_\_

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone (     ) \_\_\_\_\_

Capacity: \_\_\_ Personal Representative  
          \_\_\_ Counsel for personal representative

**Explanatory Comment**

The proposed amendments to Rules 5.6 and 5.7 were originally published for comment at 25 Pa.B. 2802 (July 15, 1995). Following comments from the bench and bar, the Committee has recommended limitations on the class of persons and entities to whom a Rule 5.7 notice must be sent pursuant to Rule 5.6.

*Rule 5.6*

Under the revised Recommendation, where decedent has died with a will, notice need not be sent to intestate heirs. However, notice must be sent to decedent's spouse and children *even where they are not named in the will*. See subdivision (a)(2) of Rule 5.6. Notice must also be sent to all applicable persons and entities described in subdivisions (a)(1) and (a)(2)—(9). Where decedent has died intestate, notice must be sent to every person entitled to inherit as an intestate heir. See subdivision (a)(3). Notice must also be sent to any persons designated by the Court under subdivision (a)(9). The proposed amendment to subdivision (b) defines beneficiary to include "any person who may have an interest by virtue of the Pennsylvania anti-lapse status." 20 Pa.C.S. § 2514.

*Rule 5.7*

Proposed Rule 5.7 revises the form of notice, which would be titled as a notice of estate administration under the proposed amendment.

[Pa.B. Doc. No. 96-1364. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Title 255—LOCAL  
COURT RULES**

**FRANKLIN AND FULTON COUNTIES**

**Revision of Local Civil Action Rules 39-1915.1,  
39-1915.3(a), (b), (c) and (d); Miscellaneous  
Docket; Volume BB, Page 48**

**Order of Court**

August 9, 1996, the following Civil Action Rules are amended for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and

Fulton County Branches: 39-1915.1 and 39-1915.3(a), (b), (c) and (d), effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN R. WALKER,  
*President Judge*

**RULES OF COURT FOR CHILD CUSTODY  
ACTIONS IN THE 39TH JUDICIAL DISTRICT**

**Rule 39-1915.1. Scope.** The Rules set forth in this section shall govern the practice and procedure in all actions for custody, partial custody and visitation of minor children. These local rules shall be viewed as supplement-

ing the Pennsylvania Rules of Civil Procedure governing custody as set forth in Pa. R.C.P. 1915.1 et seq.

**Rule 39-1915.3(a). Commencement of Action.** All Complaints relating to custody of minor children shall be presented to the Court Administrator for assignment in accordance with these rules. Upon payment of the designated filing and administration fees, the Complaint shall thereafter be filed in the Office of the Prothonotary and served in accordance with the Pennsylvania Rules of Court. The Complaint shall specifically designate the relief sought by the party who filed the pleading and include specific terms of legal custody, physical custody, partial custody or visitation sought by the moving party as well as the factual basis therefore. The Complaint shall also contain an averment under oath as to the Plaintiff's knowledge of the Defendant being represented by legal counsel and if there is known representation, the name of Defendant's legal counsel shall be included in the Complaint. A copy of the Complaint shall also be furnished to said legal counsel **no later than forty-eight hours prior to its scheduled presentation of the Court.** If the Defendant is unrepresented, a copy of the Complaint shall also be furnished directly to said Defendant **no later than forty-eight hours prior to its scheduled presentation to the Court or by regular mail with proof of mailing by the end of business five actual days preceding the date of presentation.** Plaintiff shall allege in his complaint the form and manner of providing service to the Defendant and whether said service was **made directly [ directed ]** to the named Defendant or to named legal counsel.

To facilitate the proper giving of notice of the presentation of Custody Complaints, the Court Administrator shall establish a regular time on a weekly basis for the presentation of Custody Complaints and the entry of Orders of Court establishing temporary custody arrangements pending a full hearing. Counsel may obtain the specific time for presentation of Complaints from the Court Administrator's Office and shall notify the Court Administrator a minimum of twenty-four hours in advance of the scheduled time of any planned presentations of Custody Complaints and Proposed Orders of Court.

**Rule 39-1915.3(b). Reference to Conciliator.** (1) *Assignment*—The Court Administrator shall assign all child custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties. Further, the Court Administrator shall enter an Order setting the dates, time and place for such conciliation in accordance with a previously arranged schedule. (See Sample Form "A")

The Conciliator shall be a member of the Bar of this Court who, along with any other members of his professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

(2) *Scheduled Dates*—The Court Administrator shall set the conciliation dates within twenty to thirty days from the date of the filing of the Complaint. In the event the conciliation is unable to be scheduled within the twenty to thirty-day period, the Court Administrator shall schedule the conference at the next available time.

(3) *Service*—Counsel for the moving party shall serve a copy of the Complaint and Order for Conciliation upon the Respondent in accordance with the Pennsylvania Rules of Court. The Court Administrator shall notify the

Conciliator of the list of cases scheduled for conciliation.

(4) *Continuance*—Should a party or legal counsel request a continuance of the established date, the party requesting such continuance shall be responsible for arranging such continuance not less than forty-eight hours prior to the scheduled conference in accordance with Rules of Court which shall include the preparation of a Motion and a proposed Order changing the hearing date. (See Sample Form "B") The Motion shall be presented to the Court Administrator for the assignment of a new date and time for the continued Conciliation Conference.

If a continuance is requested by the party having primary physical custody of the child and if the non-custodial party has not exercised rights of custody since the filing of the action, the burden is on the moving party to insure that a conciliation conference is held within thirty days from the date of the filing of the action.

(5) *Administrative Fee*—The Conciliator shall be compensated at the rate of \$100.00 for each conference actually conducted. Each conference is expected to last one hour. In the event the Conciliation lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate of \$100.00 per hour. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The fee may be changed from time to time upon direction from the Court without the necessity for amending these Rules. The Prothonotary shall post the administrative fee for such filings in its office. The fee shall be paid to the Conciliator by the Prothonotary when the Conciliator's Report is filed.

**In the event the matter is resolved prior to the date fixed for the filing of Conciliation Memorandums, a refund shall be due to the Plaintiff in the amount of \$65.00 if there have been no requests for rescheduling of the conference prior to that time. The refund shall be in the amount of \$50.00 if the conference has been rescheduled at the request of either party. The entire \$100.00 deposit shall be forfeited if the matter is resolved on the day the Conciliation Conference Memorandums are due or if it is resolved any day thereafter. In order for a refund to be distributed to the Plaintiff, a Petition shall be filed by the Plaintiff with the Court and an Order shall be entered thereto.**

In the event the moving party is unable to pay the administrative fee, such party may apply for an Order to Proceed in Forma Pauperis. If the Court authorized in forma pauperis status, the administrative fee shall be paid by the County of Franklin.

In the event a party files a request for an additional Conciliation, the party shall pay an additional fee for such Conciliation Conference which must be paid prior to the scheduled conference.

(6) *Attendance*—All parties are mandated to be present and available at the Conciliation Conference. Failure of a party to appear at the conference may provide grounds for the entry of a temporary Order **by the Court upon the recommendation of the Conciliator.** Conciliation shall commence at the designated time with or without counsel for the parties being present.

(7) *Authority of Conciliator*—The Conciliator shall have the following authority and responsibility:

a. Conciliate custody cases which specifically includes meeting with the parties and children, if appropriate. **If a**

party desires the children to be present at the conciliation conference, he/she shall make said request of the Conciliator no later than seven days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party.

- b. Address the need for home studies, as appropriate.
- c. Address the issue of the utilization of expert witnesses, as appropriate.
- d. Recommend a resolution of the custody conflict which recommendation shall be included in the Summary Report and submitted to the Court for further action.

If the parties are not able to agree upon the need for home studies and/or the need for any other expert witness, either party may petition the Court pursuant to Pa. R.C.P. 1915.8 for the appointment of an expert and the payment of his or her fees.

(8) *Memorandum by Parties*—At least two days prior to the scheduled Conciliation Conference, **[ each party shall present a Memorandum to ]** the Conciliator **and counsel for the opposing party or the pro se party individually shall receive a Memorandum** addressing the following:

- a. Factual background including a brief history of the case.
- b. Names and ages of the children.
- c. A proposed Order for resolution of matters.
- d. Names and addresses of factual witnesses.
- e. Names and addresses of expert witnesses.
- f. Issues, both factual and legal, for resolution.
- g. Estimated length of trial.
- h. Whether a home study is requested.
- i. Whether the party will agree to a joint psychologist for evaluation or request psychological evaluations.

Failure to produce the information set forth in this Rule prior to trial may be grounds for excluding the evidence or witnesses at trial and for imposition of other sanctions. The parties are directed to supplement the Memorandum from time to time as new information becomes available.

(9) *Summary by Conciliator*—Following the conclusion of each conference and within three business days, the Conciliator shall prepare a Summary Report together with a proposed Order of Court for signature. **In the event the parties are unable to reach an agreement at the conciliation conference, the proposed Order of Court shall address only the need for home studies and the need for psychological evaluations. In the event the parties reach an agreement at the conciliation conference, the proposed Order of Court shall reflect the terms of the agreement and shall be submitted to the Court for entry of a final order in the matter.** Said Report and proposed Order shall be submitted in its original form along with two copies to the Prothonotary's Office for forwarding to the Court for its approval. Said Order of Court shall specifically designate the names of the parties and their addresses or in lieu thereof, the names and addresses of the parties' legal counsel, to which the conformed copies of the Order of Court shall be forwarded by the Prothonotary's Office.

If no final agreement has been achieved, a Summary Report and Proposed Order shall be submitted to the Court and filed of record. Copies of the Summary Report and Order of Court shall be provided to the parties and their legal counsel.

(10) *Record*—No record shall be made at the Conciliation Conference.

**Rule 39-1915.3(c). Entry of Court Order.** Upon review of the Conciliator's Summary, the Court may issue an Order addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event the party is unrepresented, to the party directly **according to the procedures outlined in 39-1915.3(b)(9).**

**Rule 39-1915.3(d). Scheduling of Pre-Trial Conferences and Hearings.** Upon the completion of home studies and psychological evaluations (if applicable) and at any time after the entry of the Order of Court approving the Conciliator's Summary, either party may present a Motion and proposed Order for scheduling a Pre-Trial Conference with the Court. (See Sample Form "C") Every effort shall be made by the Court Administrator to schedule a Pre-Trial Conference within thirty days of the submission of a Motion by either party requesting said conference taking into consideration the availability of the Court. Each party's presentation at the Pre-Trial Conference shall not exceed a time limit of fifteen minutes. At least two days prior to the scheduled Pre-Trial Conference, a Pre-Trial memorandum containing the following matters shall be filed of record:

- a. Statement of the case.
- b. Issues to be resolved.
- c. Stipulated issues and facts.
- d. Names and addresses of all factual witnesses.
- e. Names and addresses of all expert witnesses.
- f. Identification of exhibits for trial.
- g. Expected length of trial.

Failure to produce the information set forth in this Rule may be grounds for imposition of sanctions upon legal counsel or the party directly if appearing pro se.

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally **[ available ] present.** In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that **[ parties' ] party's** absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure. Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

In the event that an agreement is not reached at the Pre-Trial Conference, a hearing date shall be established by the Court Administrator at the conclusion of said conference.

[Pa.B. Doc. No. 96-1365. Filed for public inspection August 23, 1996, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES

## Revision of Local Civil Action Rules 39-1920.51 and 39-1920.53; Miscellaneous Docket, Volume BB, Page 48

## Order of Court

August 9, 1996, the following Civil Action Rules are amended for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and Fulton County Branches: 39-1920.51 and 39-1920.53, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,  
President Judge

**Rule 39-1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.**

(a) When alimony pendente lite is an issue in divorce, it must be raised in the complaint or subsequent pleadings under Pa.R.C.P. 1920.12, 1920.13, 1920.14, 1920.15, et seq., and filed with the prothonotary.

(b) A hearing on the alimony pendente lite issue [ **may be held at the election of the party requesting alimony pendente lite:**

**(1) Before the standing master in divorce, following the procedures outlined at Local Rule 39-1920.53 et seq.; or,**

**(2) Before a hearing officer under Pa.R.C.P. 1910-11, appointed by the Court to hear alimony pendente lite matters, and employed by the Franklin County Domestic Relations Office.**

**(c) Where a party elects to request a hearing ] shall be scheduled before a Domestic Relations hearing officer[ , the party must file ] upon the filing of a complaint for alimony pendente lite at the Domestic Relations Office which contains the following averment:**

(1) The fact that a complaint in divorce has been filed with the prothonotary, the date of the filing and docket number assigned to the file.

(2) The fact that the issue of alimony pendente lite has been raised in the complaint or in a responsive or subsequent pleading and the date alimony pendente lite was raised.

(3) The fact that the fee of \$20.00, or any other such fee as may be in effect at that time, for the additional county of alimony pendente lite to the divorce file was paid to the prothonotary and the date such fee was docketed.

(4) Any substantive information required by the Domestic Relations Office.

**[ (d) Where a party elects (b)(2) herein, a ] (c) A true and attested copy from the prothonotary's office of the complaint or other pleading in which alimony pendente lite was raised must be attached to the complaint for alimony pendente lite filed with the Domestic Relations Office.**

**Rule 39-12920.53. Hearing by Master. Report.**

(a) When an action is at issue, either party may file a motion for the appointment of a master unless a jury trial has been ordered by the court pursuant to the Divorce Code as codified in 23 Pa.C.S.A. Section 3101 et seq.

(b) When a motion for the appointment of the standing master is filed, the moving party shall deposit a non-refundable sum of [ **\$300.00** ] **\$350.00** with the prothonotary. The prothonotary shall transmit said deposits as provided in 39-1920.3(b). The prothonotary shall notify the standing master of the filing of all motions for the appointment of the standing master only if the moving party has certified to the filing of his/her inventory and appraisal and/or income and expense statement, if appropriate, pursuant to Pa.R.C.P. 1920.31 and 1920.33.

(c) The standing master shall be appointed by the court to serve at will and shall serve in the Franklin and Fulton County Branches of the 39th Judicial District pursuant to the applicable Pennsylvania Rules of Civil Procedure and the applicable 39th Judicial District Civil Action Rules. The standing master shall be under the supervision of the court and shall not be permitted to practice law in areas relating to the domestic relations practice.

(d) The standing master shall hear claims for fault divorce, issues of a contested two-year separation divorce action, equitable distribution of property, alimony, alimony pendente lite, counsel fees and expenses. Claims addressing actions for support for children, custody, spousal support or paternity shall be referred to the court administrator for appropriate disposition.

(e) In the event of recusal by the standing master or unavailability of the standing master, the court may in its discretion appoint a temporary divorce master.

(f) Claims for interim relief, emergency relief, injunctive matters, and exclusive possession of the marital home[ , **petitions for special discovery and sanctions** ] shall be heard by the court. The court may in its discretion refer same to the standing master for appropriate disposition.

**[ (g) The standing master shall within ten (10) days of his/her appointment give written notice to each party or their counsel of his/her appointment. The standing master shall schedule a pre-trial conference within thirty (30) days of the date of his/her appointment and shall give each party fifteen (15) days written notice of the time and place of the conference. ]**

**(g) Upon a party's failure to answer within the prescribed time period interrogatories filed as of course pursuant to Pa.R.C.P. 1920.22(b) and the related rules of civil procedure governing depositions and discovery, the aggrieved party may file with the standing master a petition and rule to show cause why the other party should not be found in contempt with the rule returnable on a date established by the standing master for hearing. Upon further non-compliance of a party with the order issued by the standing master following said hearing, the aggrieved party may file a petition with the standing master who shall list the matter for a contempt hearing with the court on the day and time regularly scheduled for support contempt hearings.**

**(h) Petitions for special discovery filed pursuant to Pa.R.C.P. 1920.22(a) shall be referred to the standing master who shall be vested with the authority to issue orders for compliance in connection with special discovery requests. Upon a party's failure to comply with the order of the standing master granting a request for special discovery, the**

aggrieved party may file a petition with the standing master who shall list the matter for a contempt hearing with the court on the day and time regularly scheduled for support contempt hearings.

(i) Within ten (10) days of the standing master's receipt of his appointment with the accompanying certification by the moving party pursuant to Pa.R.C.P. 1920.74(a) that discovery is complete as to the claim(s) for which the appointment of the master is requested, the standing master shall give notice of his appointment to the parties. Said notice shall inform the non-moving party of his/her completion of discovery or, in alternative, his/her need for further discovery. The standing master shall have the power to issue as of course upon the request of the non-moving party an interim order providing up to sixty (60) days to complete discovery.

(j) Within thirty (30) days of certification by the non-moving party that discovery is complete or upon the expiration of the period of time granted by the standing master to complete discovery, the standing master shall schedule a pre-trial conference and shall give each party fifteen (15) days written notice of the time and place of the conference. The pre-trial statement required by Pa.R.C.P. 1920.33(b) shall be filed and delivered to the standing master seven (7) days before the pre-trial conference.

[h] (k) Counsel for the parties shall attend the standing master's conference, or if unrepresented, the party pro se. The standing master shall examine the pleadings to determine if appropriate jurisdiction lies with the standing master of the 39th Judicial District and shall determine whether the pleadings and inventories provide sufficient information to define the matters at issue. If the parties are unable to resolve the matter after conference with the standing master, the standing master shall forthwith schedule [a hearing] a settlement conference at the Master's discretion and a separate hearing. The parties and their legal counsel

shall attend the settlement conference, if scheduled.

[i] (l) Fifteen (15) days written notice of the time and place of the settlement conference and the taking of testimony at the hearing shall be given to counsel for the parties, or in the event a party is not represented by counsel, to the party directly, in the manner provided for in Pa.R.C.P. 1920.51. The standing master shall hear testimony on all issues properly before the standing master and shall file the record and a transcript of the testimony with a report and recommendation in the format set forth in Pa.R.C.P. 1920.53; and/or Pa.R.C.P. 1920.54. The standing master shall attach to the report a proposed order consistent with the recommendations. Notice of the filing of the report shall be made in conformity with Pa.R.C.P. 1920.55.

[j] (m) The standing master shall be compensated by an annual salary set by the court. The standing master shall annually report to the court on the income and expenses of the Standing Master Account.

[k] (n) The moving party shall arrange for and pay the stenographer's expenses, which expenses will be allocated between the parties by the master at the conclusion of the case. Court stenographers employed by the 39th Judicial District may be employed when available and shall be paid for the transcript of testimony only and not for a "sitting" fee.

[l] (o) In those extraordinary cases in which the taking of testimony exceeds one day of hearing, the master shall order each party to deposit with the prothonotary an additional \$300.00 per additional day of hearing in accordance with the master's directive and in advance.

[m] (p) Local Rule 39-1920.3 shall become effective October 1, 1993. Local Rule 39-1920.53 shall become effective October 1, 1993.

[Pa.B. Doc. No. 96-1366. Filed for public inspection August 23, 1996, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1181]

#### Nursing Facility Intergovernmental Transfer

The Department of Public Welfare (Department), by this order, adopts amendments to Chapter 1181 (relating to nursing facility care). The amendments are set forth in Annex A and are adopted under the authority of sections 201, 403 and 443.1(2) and (3) of the Public Welfare Code (act) (62 P. S. §§ 201, 403, 443.1(2) and (3)) and section 1902(a)(13)(A) and (30) of the Social Security Act (42 U.S.C.A. § 1396(a)(13)(A) and (30)).

Notice of proposed rulemaking is omitted under section 204(1)(iv) and (3) of the act of July 31, 1968 (CDL) (P. L. 769, No. 240)(45 P. S. § 1204(1)(iv) and (3)) and 1 Pa. Code § 7.4(1)(iv) and (3). Section 204(1)(iv) and (3) of the CDL provides that an agency may omit notice of proposed rulemaking when the amendment relates to Commonwealth grants or benefits or when circumstances render it impractical, unnecessary or contrary to public interest.

The Department finds that these amendments relate to the system of payment under the Medical Assistance (MA) Program, a grant and benefit system established by the Commonwealth. The amendments authorize additional payments and increase cash flow to MA nursing facility providers for Fiscal Year 1995-1996. Given the involvement of the County Commissioners Association in the development of these beneficial changes in payment, the Department finds that an additional period for comment and discussion is unnecessary, impractical and contrary to the public interest.

In addition, the changes authorized by these amendments apply only to payments for Fiscal Year 1995-1996.

#### *Purpose of the Amendments*

The purpose of these amendments is to make revisions to §§ 1181.67, 1181.101 and 1181.211 (relating to setting interim per diem rates; facility's right to a hearing; and cost reimbursement principles and method). The revisions authorize additional payments and increase cash flow to nursing facilities for Fiscal Year 1995-1996 by implementing an intergovernmental transfer of funds to the Commonwealth by county governments.

#### *Need for the Amendments*

MA is a form of public assistance funded jointly by the Federal and State government, that is designed to purchase health care for low income individuals who have exhausted all other means of payment for medically necessary compensable health care services. The MA Program (Medicaid) pays for a broad range of medical services, one of which is nursing facility services.

In accordance with Federal law, states are permitted under certain circumstances to use funds transferred from public sources to qualify as the State's share for Medicaid payments for nursing facility services and other medical services. See 42 U.S.C.A. § 1396(w)(6)(A) and 42 CFR 433.51(b) (relating to public funds as the State share of financial participation).

#### *Requirements*

After discussion and negotiation with representatives of the County Commissioners Association, the Department

executed an agreement to implement an intergovernmental transfer system to benefit the Commonwealth's long term care program. This intergovernmental transfer system is being implemented through a transfer of funds to the Commonwealth by county governments. To implement the provisions of the Intergovernmental Transfer Agreement, the Department is adopting the amendments to Chapter 1181 to read as set forth in Annex A. These amendments make the following changes:

Section 1181.67 is being changed to allow for an inflation adjustment to the interim rate for a nursing facility which is operating under the ceiling. For the period July 1 1995, through December 31, 1995, the interim rate will be increased by a 2% inflation factor for a nursing facility whose interim rate (excluding depreciation and interest) is less than the ceiling on net operating costs applied during this period. This 2% adjustment will affect a nursing facility's interim rate subject to the ceiling on allowable net operating costs and the upper limit on payment as stated in § 1181.68 (relating to setting interim per diem rates).

Section 1181.101 is being changed to specifically allow nursing facilities to appeal the accuracy of the payment calculation which consists of the 2% inflation adjustment of the interim rates made by the Department for the period July 1, 1995, through December 31, 1995.

Section 1181.211(e) is being added so that county nursing facilities in which Medicaid funded resident days account for at least 80% of the total resident days and the number of certified MA beds is greater than 270 beds, can receive disproportionate share payments for Fiscal Year 1995-1996. Disproportionate share payments will not be limited to or affected by any ceilings on net operating costs, charges to private pay residents, peer group or facility specific payment limits under the MA Program.

Section 1181.211(f) is being added to allow general and county nursing facilities to receive program enhancement payments consisting of a 2% inflation adjustment of the facility's interim rate up to the ceiling for the period July 1, 1995, through December 31, 1995.

The program enhancement payments and disproportionate share payments will provide an overall adjustment to nursing facility payment rates for July 1, 1995, through December 31, 1995. This adjustment should be sufficient to account for any unanticipated additional costs which nursing facilities may incur to provide services in compliance with State and Federal law, including those services required to attain or maintain the highest practicable physical, mental and psychosocial well-being of each MA eligible resident.

Payments of the disproportionate share and the program enhancement are contingent upon the determination by the Department that there are sufficient State, local and Federal funds appropriated to make these payments for Fiscal Year 1995-1996.

#### *Fiscal Impact*

#### *Public Sector*

#### *Commonwealth*

The amendments in Annex A will increase Departmental expenditures; however, the funds transferred from

local county governments qualify as the State's share for Medicaid payments.

*Political Subdivisions*

These amendments will provide additional moneys to county governments by granting disproportionate share payments to certain county facilities and program enhancement payments to all county nursing facilities certified for the MA Program. For those county nursing facilities operating below the applicable ceilings for Fiscal Year 1995-1996, the interim rates will be increased by 2% to reflect inflation up to the ceilings on allowable net operating costs and subject to the upper limits on payment. The Department cannot accurately determine the fiscal impact of these amendments on the political subdivisions.

*Private Sector*

These amendments will provide additional moneys to general nursing facilities by granting program enhancement payments to those nursing facilities operating below the applicable ceilings for the period July 1, 1995, through December 31, 1995. The interim rates will be increased by 2% to reflect inflation up to the ceiling on allowable net operating costs and subject to the upper limits on payment. The Department cannot accurately determine the fiscal impact of these amendments on the nursing facility industry.

*General Public*

MA residents receiving nursing facility services may experience increased services and MA recipients may receive better access to care as a result of these amendments.

*Paperwork Requirements*

These amendments will increase the paperwork requirements of the Department in that the Department must develop new interim per diem rates for each nursing facility. Each enrolled nursing facility will be notified of its new interim per diem rate.

The Department must also calculate the disproportionate share payments to be paid to eligible county nursing facilities and program enhancement payments to be made to general and county nursing facilities operating below the applicable ceilings.

These amendments will not affect the paperwork requirements for the political subdivisions, private sector or general public.

*Effective Date*

These amendments will take effect immediately and apply to the time period from July 1, 1995, to December 31, 1995.

*Public Comment Period*

Although these amendments are being adopted without prior notice, interested persons are invited to submit their written comments within 30 days of the date of this publication for consideration by the Department as to whether the regulations should be revised. The comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

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

*Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P.S. § 745.5(f)), the Department submitted a copy of these amendments with proposed rulemaking omitted on July 22, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare. On the same date, the amendments were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, these amendments were deemed approved by the Committees on August 12, 1996, and were approved by IRRC on August 8, 1996.

*Findings*

The Department finds that:

(1) Public notice of intention to amend the administrative regulations amended by this order is unnecessary and contrary to public interest under section 204(1)(iv) and (3) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(1)(iv) and (3).

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

*Order*

The Department acting, under the authority of the act, orders that:

(a) The regulations for the Department, 55 Pa. Code Chapter 1181, are amended by amending §§ 1181.67, 1181.101 and 1181.211 to read as set forth in Annex A.

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

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

(d) This order shall take effect immediately and apply to the time period from July 1, 1995, to December 31, 1995.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 4145 (August 24, 1996).)

**Fiscal Note:** 14-435 (1) General Fund; (2) Implementing Year 1995-96 is \$ See Below; (3) 1st Succeeding Year is \$; 2nd Succeeding Year is \$; 3rd Succeeding Year is \$; 4th Succeeding Year is \$; 5th Succeeding Year is \$; (4) Fiscal Year 1994-95 \$593,822,000; Fiscal Year 1993-94 \$493,275,000; Fiscal Year 1992-93 \$463,007,000; (7) MA—Long Term Care Augmentations; (8) recommends adoption. This regulatory action formalizes an agreement between the Commonwealth and counties for the utilization of an intergovernmental transfer of county funds to provide the State's share of Medicaid payments to enable the Commonwealth to receive additional Federal funding for nursing homes.

**Annex A****TITLE 55. PUBLIC WELFARE****PART III. MEDICAL ASSISTANCE****CHAPTER 1181. NURSING FACILITY CARE****Subchapter A. NURSING FACILITY CARE****PAYMENT FOR NURSING FACILITY CARE****§ 1181.67. Setting interim per diem rates.**

The Department establishes interim per diem rates on the basis of the following methods and in accordance with § 1181.68 (relating to upper limits of payment):

(1) For general and county nursing facilities, interim per diem rates within the ceilings on net operating costs will be established by the Department based on the latest adjusted reported net operating cost of the facility plus an allowance for depreciation and interest. For the period July 1, 1995, through December 31, 1995, the interim rate will be calculated in this manner, except that if the interim rate for a nursing facility (excluding depreciation and interest) is less than the ceiling on net operating costs to be applied during this period, the interim rate for the nursing facility will be increased by 2% to reflect inflation up to the upper limits on payment as stated in § 1181.68.

(2) For State-operated intermediate care facilities for the mentally retarded, interim per diem rates will be established by the Department based on the latest adjusted reported costs and approved budgets. For non-State intermediate care facilities for the mentally retarded, interim per diem rates will be established by the Department based on the latest adjusted cost report plus an inflationary factor, or a submitted budget if a waiver is granted in accordance with Subchapter C (Reserved).

(3) For psychiatric transitional facilities, interim per diem rates will be established by the Department based on latest adjusted reported costs and approved budgets.

(4) For facilities entering the program and for facilities in the programs with changes of ownership, except for intermediate care facilities for the mentally retarded, the facility's projected MA-11 cost report will be used to set the interim rate for MA during the initial period of operation pending the filing of the first year-end cost report.

**FACILITY RIGHT OF APPEAL****§ 1181.101. Facility's right to a hearing.**

(a) A nursing facility has a right to appeal and have a hearing if dissatisfied with the Department's decision regarding:

(1) The interim per diem rate established by the Department, unless a change in the interim per diem rate is made by the Department based on a revision to the net operating portion of the rate as a result of a revision to the applicable net operating cost reimbursement ceiling, in which case the facility may appeal only as to the issue of whether or not the ceiling used to revise the interim per diem rate is in fact the established ceiling for the facility's geographical grouping and level of care.

(2) The findings of the auditors in the annual audit report.

(3) The determination by the comptroller of the difference between the allowable costs certified by the auditors

in the annual audit report, and the total allowance amount as shown on the interim billing.

(4) The denial or nonrenewal of a provider agreement.

(i) A skilled nursing facility that has been either denied an MA Provider Agreement or renewal of the agreement or whose agreement has been terminated in whole or in part by the Department prior to its expiration date, has the right to a full evidentiary hearing before a hearing officer to contest the action.

(ii) Facilities participating in Medicare and the MA Program that are denied renewal of an MA Provider Agreement or have the agreement terminated by the Department because of termination or nonrenewal by Medicare are entitled to the review procedures specified for Medicare facilities in 42 CFR Part 498 (relating to appeals procedures for determinations that affect participation in the Medicare Program). The final decision entered as a result of the Medicare review procedures is binding for the purposes of participation in the MA Program.

(5) The MA Program enhancement payment consisting of the 2% inflation adjustment of the interim rate or interim cost settlement made by the Department for Fiscal Years 1992-1993, 1993-1994 and 1994-1995.

(i) The facility's right to appeal shall be limited to the issue of whether:

(A) Its MA Program enhancement payment consisting of 2% inflation adjustment of the facility's interim rate was calculated in accordance with §§ 1181.67(1) and 1181.211 (relating to setting interim per diem rates; and cost reimbursement principles and method).

(B) Its interim cost settlement was calculated in accordance with § 1181.69(c) (relating to annual adjustment).

(ii) This paragraph does not otherwise limit a facility's right to file an appeal under § 1101.84 (relating to provider right of appeal) or this section from interim rates established under § 1181.221 (relating to determining the interim per diem rate) or established as a result of a revision to the ceilings on net operating costs, or from audit findings or final cost settlement issued with respect to which an interim cost settlement is paid.

(6) The MA Program enhancement payment consisting of the 2% inflation adjustment of the interim rate made by the Department for the period July 1, 1995, through December 31, 1995. The nursing facility's right to appeal shall be limited to the issue of whether its MA Program enhancement payment consisting of the 2% inflation adjustment of the nursing facility's interim rate was calculated in accordance with §§ 1181.67(1) and 1181.211.

(b) A nursing facility appeal is subject to § 1101.84.

(c) An appeal shall be taken within 30 days of the date that the facility is notified of the decisions in subsection (a). Findings contained in a facility's audit report which are not appealed by the facility within the 30-day limit will not be considered as part of subsequent appeal proceedings.

(d) An appeal shall be mailed to the Executive Director, Office of Hearings and Appeals, Department of Public Welfare, Post Office Box 2675, DPW Complex, 6th Floor, Harrisburg, Pennsylvania 17105, with a copy to the Office of Legal Counsel. The appeal request shall specify the issues presented for review.

# Title 61—REVENUE

## DEPARTMENT OF REVENUE

### TREASURY DEPARTMENT

#### [61 PA. CODE CH. 5]

#### Payments by Electronic Funds Transfer

The Department of Revenue and the Treasury Department, under the authority contained in section 9 of The Fiscal Code (act) (72 P. S. § 9), adopt an amendment to § 5.3 (relating to payments required to be paid by electronic funds transfer) to read as set forth in Annex A.

The Secretary of Revenue and the State Treasurer jointly adopted a regulation relating to payments by electronic funds transfer (EFT) at 22 Pa.B. 1561 (April 4, 1992). In accordance with § 5.3(e), a taxpayer may satisfy its obligation to remit a payment by EFT by delivering a certified or cashier's check, in person or by courier with the appropriate return or deposit statement to the Department of Revenue, Bureau of Receipts and Control. The subsection goes on to set forth the specific address of "Strawberry Square, 4th Floor, Fourth and Walnut Streets, Harrisburg, Pennsylvania 17128" where the payment will be received.

As of the close of 1994, the Department relocated the Bureau of Receipts and Control. The new address for making EFT payments is Department of Revenue, Bureau of Business Trust Fund Taxes, EFT Unit, Ninth Floor, Strawberry Square, Fourth and Walnut Streets, Harrisburg, Pennsylvania 17128. Section 5.3(e) is being amended to reflect this change.

To assist taxpayers with this transition, an announcement setting forth the address change was mailed in March 1995, to taxpayers who have preregistered to submit payments by certified or cashier's check.

Accordingly, the Department of Revenue and the Treasury Department, under section 204 of the act of July 31, 1968 (CDL) (P. L. 769, No. 240) (45 P. S. § 1204) and the regulation thereunder at 1 Pa. Code § 7.4, find that notice of proposed rulemaking is unnecessary because public input is not necessary for an amendment which only relates to an address change. Utilizing the shorter regulatory process will enable the Department of Revenue and the Treasury Department to quickly amend the § 5.3 and provide the public with the correct address for remitting payments in person or by courier.

#### *Fiscal Impact*

The Department of Revenue and the Treasury Department have determined that the amendment will have no fiscal impact on the Commonwealth.

#### *Paperwork*

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

#### *Effectiveness/Sunset Date*

The amendment will become effective upon publication in the *Pennsylvania Bulletin*. The amendment will be monitored annually. No sunset date has been assigned.

#### *Contact Person*

The contact person for an explanation of the amendment is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

(e) The Audit Division of the Bureau of Long Term Care Programs may reopen a prior year's audit if an appeal is filed.

(f) For cost reporting periods ending prior to October 1, 1985, if an analysis of the facility's audit report by the Office of the Comptroller discloses that an overpayment has been made to the facility, the facility will be bound by § 1101.84(b)(4) and (5).

### **Subchapter B. MANUAL FOR ALLOWABLE COST REIMBURSEMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITIES**

#### **REIMBURSEMENT PRINCIPLES**

#### **§ 1181.211. Cost reimbursement principles and method.**

(a) Subject to the limitations and sanctions specified in Subchapter A (relating to nursing facility care), a facility will be reimbursed its allowable net operating costs, plus allowable depreciation and interest on capital indebtedness.

(b) The amount of MA reimbursement for allowable operating costs, excluding depreciation and interest, will not exceed the level of net operating costs the Department determines to be reasonable and adequate to meet the costs that an efficiently and economically operated facility incurs in meeting applicable State and Federal laws and quality and safety standards.

(c) Costs that are not recognized as allowable costs in a fiscal year may not be carried forward or backward to other fiscal years for inclusion in allowable costs.

(d) Long-term care disproportionate share allowance payments are made according to a formula established by the Department to general nongovernmental long-term care facilities in which skilled and intermediate Medicaid funded patient days account for at least 90% of total patient days. Payment of the long-term care disproportionate share allowance is contingent upon the express appropriation by the General Assembly, of funds designated to make payments of this allowance.

(e) County nursing facility disproportionate share payments are made according to a formula established by the Department to county nursing facilities, in which Medicaid funded resident days account for at least 80% of the facility's total resident days and the number of certified MA beds is greater than 270 beds. Payment of the county nursing facility disproportionate share payment for the period July 1, 1995, through December 31, 1995, is contingent upon the determination by the Department that there are sufficient State and Federal funds appropriated to make these allowance payments. County nursing facility disproportionate share payments will not be limited to or affected by any ceilings or net operating costs, charges to private pay residents, peer group or facility-specific payment limits under the MA Program.

(f) For the period July 1, 1995, through December 31, 1995, the Department will make program enhancement payments to general and county nursing facilities participating in the MA Program as follows. The Department will increase the interim per diem rate for the nursing facility to reflect inflation by 2% up to the ceilings on allowable net operating costs and subject to the upper limits on payments in accordance with § 1181.68 (relating to upper limits of payment).

[Pa.B. Doc. No. 96-1367. Filed for public inspection August 23, 1996, 9:00 a.m.]

*Authority*

The amendment is adopted under section 9 of the act. Section 9(a) of the act provides that the State Treasurer and the Secretary of Revenue shall jointly prescribe by regulation the method of payment of obligations due the Commonwealth. "Such regulations shall include: . . . (5) An option permitting payment by certified or cashier's check delivered in person or by courier to the Department of Revenue on or before the due date of the obligation, in lieu of payment by electronic funds transfer." Section 9(b) of the act sets forth specific provisions that the regulations may not require.

*Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), the Department of Revenue and the Treasury Department submitted a copy of this amendment with proposed rulemaking omitted on July 9, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the amendment was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, this amendment was deemed approved by the Committees on July 29, 1996, and was approved by IRRC on August 8, 1996.

*Findings*

The Department of Revenue and the Treasury Department find that the amendment is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department of Revenue and the Treasury Department also find that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because public input is not necessary for an amendment which only relates to an address change.

*Order*

Acting under the authorizing statute, the Department of Revenue and the Treasury Department order that:

(a) The regulations of the Department of Revenue and the Treasury Department, 61 Pa. Code Chapter 5, are amended by amending § 5.3 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ROBERT A. JUDGE, Sr.,  
*Secretary of Revenue*  
CATHERINE BAKER KNOLL,  
*State Treasurer*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 4145 (August 24, 1996).)

**Fiscal Note:** 15-369. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 61. REVENUE****PART I. DEPARTMENT OF REVENUE****Subpart A. GENERAL PROVISIONS****CHAPTER 5. PAYMENTS BY ELECTRONIC FUNDS TRANSFER****§ 5.3. Payments required to be paid by EFT.**

(a) Beginning July 1, 1992, a payment in the amount of \$40,000 or more shall be remitted using a method of EFT selected by the taxpayer. A taxpayer may choose the ACH debit method or the ACH credit method.

(b) Beginning January 1, 1993, a payment in the amount of \$30,000 or more shall be remitted using a method of EFT selected by the taxpayer. A taxpayer may choose the ACH debit method or the ACH credit method.

(c) Beginning January 1, 1994, a payment in the amount of \$20,000 or more shall be remitted using a method of EFT selected by the taxpayer. The taxpayer may choose the ACH debit method or the ACH credit method.

(d) This requirement applies to payment of only the following taxes:

Sales and Use	Corporate Net Income
Employer Withholding	Capital Stock-Franchise
Liquid Fuels	Bank Shares
Fuel Use	Title Insurance and Trust
Mutual Thrift Institutions	Company Shares
Oil Company Franchise	Insurance Premiums
Malt Beverage	Public Utility Realty
Motor Carrier Road Tax	Gross Receipts

(e) A taxpayer may satisfy the obligation to remit a payment by EFT by delivering a certified or cashier's check, in person or by courier with the appropriate return or deposit statement, to the Pennsylvania Department of Revenue, Bureau of Business Trust Fund Taxes, EFT Unit, Ninth Floor, Strawberry Square, Fourth and Walnut Streets, Harrisburg, Pennsylvania 17128 on or before the due date of the obligation. Payments will not be accepted at other Department locations.

(f) Separate transfers shall be made for each payment.

[Pa.B. Doc. No. 96-1368. Filed for public inspection August 23, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 59 AND 69]

[L-940098]

### Natural Gas Supply Emergency Planning

The Pennsylvania Public Utility Commission (Commission) on June 20, 1996, adopted a proposed rulemaking to require natural gas local distribution companies (LDC) to file emergency plans relating to shortages of natural gas supply. Each company may tailor its plan to suit the physical and operating constraints of its system and the demographics of its customer base.

#### *Executive Summary*

The Commission adopted an order June 20, 1996, initiating this proposed rulemaking. This order and Annex A amends Commission regulations by deleting §§ 69.21—69.27, revising §§ 59.63 and 59.64 and adding §§ 59.71—59.75.

The proposed amendments require natural gas LDC to file emergency plans related to shortages of natural gas supply. Each company may tailor its plan to suit the physical and operating constraints of its system and the demographics of its customer base. Under its plan the LDC, with notice to its customers and the Commission, may declare a Class I or a Class II supply emergency depending on the expected severity or duration of natural gas supply shortage, or both. Under the Class I emergency, the LDC can call for conservation and can require partial reduction in use by all customers. A Class I emergency can last for 5 business days. If the supply shortage worsens, the LDC can order classes of customers categorized according to priority of use to curtail natural gas use. Essential human needs customers are in the highest priority class and would be the last class of customers whose use would be curtailed.

A copy of this order and Annex A is being served on the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional natural gas utilities and all other interested parties on the Commission's official service list.

The Commission's contact person is Patricia Krise Burket, Assistant Counsel, Law Bureau, Pennsylvania Public Utility Commission, North Office Building, Room 203, P. O. Box 3265, Harrisburg, PA 17105-3265, telephone (717) 787-3464.

Public Meeting  
held June 20, 1996

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

#### **Proposed Rulemaking Order**

#### *By the Commission:*

By order entered December 1, 1994, we issued an Advance Notice of Proposed Rulemaking related to Natural Gas Emergency Planning which set forth draft proposed regulations related to natural gas emergency plan-

ning for LDCs. The advance notice was published on December 31, 1994, at 24 Pa.B. 6570, with a 30-day comment period. It was intended that the proposed amendments would supplant the Commission's Policy Statement at §§ 69.21—69.27 dealing with gas curtailments.

We received comments from the Industrial Intervenor of Pennsylvania, Peoples Natural Gas Company, Pennsylvania Gas Association, Office of Small Business Advocate, UGI Utilities, Inc.—Gas Division and T. W. Phillips Gas and Oil Company.

After review of these comments, we have revised proposed § 59.74(a) so as to limit utility liability "except where such restriction or discontinuation of service is caused solely by the utility's willful or wanton misconduct." We believe that this standard is more precise than the "except where the failure can be shown to be the result of poor planning or purchasing practice" language used in the previous draft. We have also corrected cross reference citations in §§ 59.72 and 59.74(b) and (b)(3).

The Commission believes that these amendments as now proposed provide for an ordered utility response to natural gas supply emergency situations which require restriction of firm natural gas service. Under emergency conditions which require natural gas service disruptions, it is essential that the utility be able to act in a rapid and unimpeded manner so as to ensure that service to essential human needs and other critical needs are met. Because each Pennsylvania natural gas utility operates with a unique structure with respect to storage, customer alternate fuel capability, interruptible transportation demand, company supply and demand, and other operating characteristics, each jurisdictional LDC is required under the proposed amendments to file with the Commission, and maintain as part of its tariff, its own individualized natural gas supply emergency plan which contain comprehensive and understandable rules for the allocation of supply in periods of shortage. Such a plan will provide notice to customers of actions that the LDC will take in the event of a gas supply shortage, and will allow customers to develop contingency response plans to protect themselves and their property.

Under the proposed amendments, if after all interruptible load has been curtailed, and the utility reasonably foresees an inability to fulfill the daily requirements of all of its firm customers, the utility, on its own volition, but with notice to the public and the Commission, may impose a Class I Supply Emergency and require all firm commercial, industrial retail and nonresidential transportation customers to reduce volumetric consumption of gas by a fixed percentage with overruns subject to excess consumption penalties as defined in the utility's tariff/supply emergency plan. This reduction is to be imposed by the utility equally to all commercial and industrial load without regard to priorities of use. An initial Class I Supply Emergency will have a maximum duration of 5 full business days following the date of the notice.

In situations where firm demands for natural gas cannot be met despite implementation of the Class I supply emergency plan, a Class II supply emergency event will be declared by the LDC. In the event of a Class II supply emergency event, gas will be curtailed according

to a schedule of priority of use.<sup>1</sup> Customers in Priority 1, as defined in the proposed amendments at § 59.73(d), which include residential customers and commercial customers providing for essential human needs, as defined at § 59.1, will be the last customers for which natural gas service is to be curtailed. In determining whether to declare a Class II Supply Emergency, the LDC is to consider priorities of service, gas ownership, contractual responsibilities of all affected parties and system operational constraints and other physical limitations affecting supply and delivery.

The wide discretion given to the utility under the proposed amendments is counterbalanced with protections to the customers. The utility must "reasonably foresee" a problem with the gas supply before it can declare any restriction of natural gas service, and where an injury, loss or expense is caused to a customer solely by the utility's willful or wanton misconduct in discontinuing or restricting natural gas service, the utility's liability is unlimited.

As for transportation customers, in the event of an appropriation of firm transportation gas during a curtailment, the utility will compensate the firm transportation customer for the cost of lost service. The compensation paid will be the higher of: the hypothetical cost of firm gas service or the actual cost incurred by the customer for purchase of substitute fuel. Alternatively, natural gas utilities may replace confiscated gas at the customer's discretion. Moreover, although a utility's obligation to deliver noncontract, back-up supplies to transportation customers of lower priority classification than Priority 1 is limited to best efforts and in accordance with the established priorities, transportation customers who have paid a full backup tariff rate will be eligible for rate rebate in the event the utility is unable to supply backup gas.

The regulations also provide for immediate notification of customers and of the Commission whenever a utility declares a Class I or Class II Supply Emergency. Immediate notification of such an event will allow the Commission to act as a clearinghouse to provide timely information to the Governor, the Pennsylvania Emergency Management Agency and other government entities, and to perform any necessary liaison work related to a natural gas supply shortage.

The Commission believes that the proposed amendments accommodate the interests of all parties in natural gas supply emergency planning, and that such regulations are in the public interest.

Accordingly, under sections 501, 504, 505, 506 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506 and 1501, and the Commonwealth Documents Law (45 P. S. § 1201 et seq.), and the regulations promulgated thereunder, we shall institute a rulemaking proceeding to promulgate regulations related to natural gas emergency planning; Therefore,

*It is Ordered that:*

1. A rulemaking proceeding related to natural gas emergency planning is hereby instituted at this docket.

<sup>1</sup> At § 59.73(d) of the proposed regulations, four priority categories are established. There is no differentiation made between small and large commercial and industrial customers. However, in developing its supply emergency plan, a utility is given the authority to establish subcategories within each priority category to account for the specific characteristics of its customer base.

2. The Commission hereby proposes amendment to its regulations by deleting §§ 69.21—69.27 and by revising §§ 59.63 and 59.64 and adding §§ 59.71—59.75 consistent with the discussion in the body of this order, as provided in Annex A to this order.

3. The Commission shall submit this order and Annex A to the Attorney General's Office for approval as to legality.

4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order and Annex A for informal review by the designated standing committees of both houses of the General Assembly, and for informal review and approval by the Independent Regulatory Review Commission (IRRC).

6. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested parties may submit written comments, an original and 15 copies to John G. Alford, Secretary, Pennsylvania Public Utility Commission, and shall have 30 days from the date this order is published to submit comments.

7. A copy of this order shall be served upon all jurisdictional natural gas utilities, the Office of Consumer Advocate, the Office of Small Business Advocate and upon any other parties identified on the Commission's official service list.

JOHN G. ALFORD,  
*Secretary*

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on August 9, 1996, to IRRC and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

*(Editor's Note: A proposal to amend § 59.1, which is proposed to be amended in this document, remains outstanding at 26 Pa.B. 1370 (March 30, 1996).)*

**Fiscal Note:** 57-176. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED UTILITY SERVICES
CHAPTER 59. GAS SERVICE
GENERAL PROVISIONS

§ 59.1. Definitions.

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

Alternate fuel—Any fuel other than natural gas.

Alternate fuel capability—The installed and operationally proven ability to use an alternate fuel.

\* \* \* \* \*

Commercial use—Gas usage by customers engaged primarily in the sale of goods and services including consumption by office buildings, institutions and government agencies not considered essential human needs use.

Critical use—Gas usage where natural gas is the only feasible form of energy due to its combustion characteristics, controllability or chemical properties.

\* \* \* \* \*

Customer—[ A party supplied with gas service by a public utility ] End use consumer of a gas sold or transported by the LDC.

\* \* \* \* \*

Essential human needs use—Gas usage by customers for service to any building where persons normally reside, including apartment houses, dormitories, hotels, hospitals and nursing homes, and to the following customers: medical and human life support systems, blood banks, outpatient health facilities, physicians' offices; schools; churches; telephone, radio, television and newspaper facilities; police, firefighting, emergency management and emergency response facilities; military bases; Federal facilities essential to the National defense and Pennsylvania National Guard facilities; and public utility facilities.

\* \* \* \* \*

Firm service—Service under retail and firm transportation rate schedules, providing that the firm transportation gas has arrived at the LDC city gate, under which a utility is expressly or impliedly obligated to deliver specific volumes within a given time frame or which anticipate no curtailments, but which may permit unexpected curtailments when service to higher priority customers is threatened under a Class I or Class II emergency.

\* \* \* \* \*

Industrial use—Gas usage by customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product including the generation of power for sale.

Interruptible service—Service under nonfirm retail or transportation schedules or contracts where the utility expressly reserves the option to inter-

rupt or suspend service. Interruptible service requires a demonstrated ability to use alternate fuel as a condition of service.

LDC—Local distribution company.

\* \* \* \* \*

Plant protection use—Minimum volumes of natural gas required to prevent physical harm to the customer's plant facilities or danger to plant personnel when the protection cannot be afforded through the use of an alternative fuel. Plant protection requirements include volumes necessary for the protection of the material in process as would otherwise be destroyed but does not include deliveries required to maintain production. The term also includes gas usage by customers engaged primarily in the sale of goods and services, including consumption in retail establishments, office buildings, government agencies, schools and other institutions.

\* \* \* \* \*

Residential use—Gas usage in a residential dwelling or unit for space heating, air conditioning, cooking, water heating or other domestic purposes.

\* \* \* \* \*

REPORTING AND CURTAILMENT OF SERVICE

§ 59.63. [ Curtailment ] Natural gas emergency tariffs.

As part of its officially filed tariff, each jurisdictional gas utility shall have on file with the Commission detailed procedures for [ the curtailment of service ] addressing natural gas supply emergencies. The [ curtailment ] natural gas supply emergency tariffs shall [ be under ] conform with Commission [ guidelines contained at ] regulations in [ §§ 69.21—69.27 (relating to gas curtailment) ] §§ 59.71—59.75 (relating to natural gas supply emergency planning).

§ 59.64. Notice of [ curtailment or nonperformance of supply ] implementation of a utility's natural gas supply emergency plan.

(a) Each major jurisdictional utility, as defined in § 59.61 (relating to reserved), shall inform the Commission, in writing, of any [ curtailment ] implementation of its natural gas supply emergency plan, breach of performance, suspension of performance or nonperformance by a gas supplier, transportation utility or major shipper (defined as any shipper utilizing transportation tariffs whose monthly demand is in excess of 5% of the jurisdictional utility's monthly throughput in any given month) [ within 48 hours after the action becomes known to the jurisdictional utility ] as soon as practicable, or as specifically required by Commission regulations. Notice to the Commission shall include a statement as to the estimated effect on the utility and its customers, including any resulting curtailments, penalties or additional costs.

(b) Each major jurisdictional utility, as defined in § 59.61, shall contemporaneously notify its customers and the Commission whenever [ curtailments are instituted ] its natural gas supply emergency plan is implemented or changed. The notice shall be provided as soon as practicable or as specifically required by Commission regulations. Notice shall also be sup-



**plied when consumption restrictions imposed under the emergency plan are lifted.**

(*Editor's Note:* The following §§ 59.71—59.75 are new. They have been printed in regular type to enhance readability.)

**NATURAL GAS SUPPLY EMERGENCY PLANNING**

**§ 59.71. Natural gas supply emergency planning.**

(a) Each jurisdictional natural gas utility shall have on file with the Commission a natural gas supply emergency plan containing simplified and understandable rules to allow its customers to develop responsive plans to protect themselves and their property in the event of a natural gas shortage or other supply emergency.

(1) Each supply emergency plan shall include provisions for the following in the event of a natural gas supply emergency:

(i) Public service announcements calling for voluntary, discretionary usage reductions, for example, lowering thermostats controlling space heating requirements to 65° F during the day and 60° F at night; and reducing water heater temperature.

(ii) Periodic reports to the public concerning the emergency situation.

(iii) Reasonable notice to customers of the expected date of the initiation of a Class I or Class II Supply Emergency as defined in §§ 59.72 and 59.73 (relating to Class I supply emergency; and Class II supply emergency), respectively, when disruptions are anticipated.

(2) Each LDC's natural gas supply emergency plan shall include a provision under which all customer categories are requested to participate in voluntary load and usage reductions in conjunction with mandatory usage reductions by firm customers, as may be required.

(b) Each LDC's supply emergency plan shall provide for reasonable notice to the public as soon as practicable after declaration of a supply emergency.

(c) The plan shall provide that the utility give notice as soon as practicable to customers with whom the utility has executed firm transportation agreements. If a customer acquired its gas supplies through a broker or marketer with whom the customer has executed an agency agreement, and the agreement is on file at the utility, the utility may, unless otherwise directed by the customer, provide notice to the broker or marketer. Notice to the broker or marketer shall then be deemed to constitute notice to the customer. In these cases, failure of the broker or marketer to give notice to the customer does not exempt the customer from compliance with the terms of the supply emergency plan.

(d) The natural gas utilities are also encouraged to make contractual or informal arrangements with their transportation customers and sales customers, neighboring LDCs, transportation customers on the interstate pipeline system and others to obtain supplies or, as an alternative, to implement usage reductions so as to avoid firm service reductions, and otherwise minimize the level of supply or capacity disruption.

**§ 59.72. Class I supply emergency.**

(a) A Class I supply emergency exists whenever the firm demands for natural gas on an LDC's system exceed or threaten to exceed the gas supply or capacity that is actually and lawfully available to the utility to meet such demands.

(b) The LDC shall have the authority to declare a Class I supply emergency when the LDC reasonably foresees an immediate threat to system operating integrity with respect to Priority 1 customers as defined at § 59.73(d) (relating to Class II supply emergency).

(c) If the utility reasonably foresees an inability to fulfill the firm daily requirements of its customers, the utility may require each commercial and industrial retail and transportation customer to reduce consumption of gas by a percentage amount established by the utility. The reduction required shall be determined by the utility without regard to priorities of use. The authorized volume may not be less than the minimum volume of firm service necessary for plant protection requirements.

(d) The utility shall specify in the notice of the Class I supply emergency the authorized consumption for each affected customer for a specified period of up to 5 business days following the date of the notice.

(e) Upon declaration of a Class I supply emergency, the LDC shall immediately contact the Commission's Office of Executive Director, and as soon thereafter as is practicable provide to the Commission ten copies of the distributed notice.

(f) The initially declared Class I supply emergency shall have a maximum duration of 5 business days. An LDC may extend a Class I supply emergency unless directed by the Commission to initiate operations under the Class II gas supply emergency rules in § 59.73.

**§ 59.73. Class II supply emergency.**

(a) In situations where interruptible service has been interrupted and implementation of Class I supply emergency measures are incapable of meeting firm demand, a Class II supply emergency will be declared by the LDC's management.

(b) Maximum possible notice of a Class II supply emergency shall be given to each affected customer. The notice shall be implemented by telephone, fax or electronic data interchange specifying the curtailment percentage of the customer's firm gas service and resulting volumetric consumption allowance. If the level of gas curtailment is subsequently increased, an additional notice shall be provided to each affected customer.

(c) Upon declaration of a Class II supply emergency or when the level of gas curtailment is increased, the LDC shall immediately contact the Commission's Office of Executive Director, and as soon thereafter as is practicable shall provide to the Commission ten copies of the distributed notice.

(d) In the event of a Class II supply emergency, available gas supplies to the utility shall be allocated to its customers in accordance with the following priority categories which are listed in descending order of priority:

(1) *Priority 1.* Residential and commercial essential human needs. Transportation customers that fall into Priority 1 are required to maintain standby service unless they have an alternate fuel capability.

(2) *Priority 2.* Firm retail and transportation customers, not covered in paragraph (1).

(3) *Priority 3.* Interruptible firm transportation customers.

(4) *Priority 4.* Interruptible transportation customers.

(e) Higher priority consumption may not be curtailed until consumption in a lower category has been completely restricted unless system operational constraints

and other physical limitations affecting supply and delivery warrant a different result. If only partial restriction of any one classification is justified, implementation of curtailment within that priority classification should be pro rata. Pro rata rationing, to the extent practical under the circumstances, shall be based on a method set forth in the LDC's natural gas emergency plan.

(f) Utilities may in their individual supply emergency plans divide any or all of the priority of use categories into subcategories.

#### § 59.74. Utility liability.

(a) Each gas utility may restrict or discontinue service in accordance with its natural gas supply emergency plan without thereby incurring any liability for any loss, injury or expense that may be sustained by the customer except when the restriction or discontinuation of service is as a result of the utility's willful or wanton misconduct.

(b) Utility liability for actions taken under a Class I or Class II event or to a regulation, policy statement, directive or order issued by the Commission or an emergency order issued by the Governor shall be governed by the following principles:

(1) In the event of appropriation of firm transportation gas during a curtailment, the utility shall compensate the firm transportation customer for the cost of lost gas service. This value to be the higher of the customer's actual cost of gas service or the actual cost of substitute fuel. Utilities are permitted to replace curtailed gas at the option of the customer.

(2) The utility shall have the right to discontinue service, for the duration of the Class I or Class II supply emergency, to a customer that continues to take gas in violation of the utility's natural gas supply emergency plan.

(3) The utility's obligation to deliver noncontract, back-up supplies to transportation customers of lower priority class than Priority 1, as defined in § 59.73(d)(1) (relating to Class II supply emergency), is limited to best efforts and in accordance with priorities established in the LDC's gas supply emergency plan. Transportation customers who have paid a full back-up tariff rate will be eligible for refund if the utility is unable to supply back-up gas.

#### § 59.75. Penalties for unauthorized takes.

Each utility is permitted to utilize its own appropriate billing periods for calculating pipeline transportation, storage service, balancing or other penalties and its own procedure for imposing those penalties on customers who consume gas in a manner that is contrary to the utility's natural gas supply emergency plan.

### CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

(*Editor's Note:* The Commission is proposing to delete present guidelines in §§ 69.21—69.27 (relating to gas curtailment) which appear at pages 69-13—69-21, serial pages (201985)—(201993).)

#### §§ 69.21—69.27. (Reserved).

[Pa.B. Doc. No. 96-1369. Filed for public inspection August 23, 1996, 9:00 a.m.]

## [52 PA. CODE CH. 63]

[L-960117]

### Reseller Location Surcharge Price Cap

#### *Executive Summary*

By order entered April 30, 1996, the Pennsylvania Public Utility Commission (Commission) adopted a rulemaking to modify the regulations of telephone resellers' location surcharge. The proposal would amend the present regulations by imposing a \$1 price cap for use of the telephone. In order to charge a higher rate, the reseller would be required to seek Commission approval subject to general ratemaking. In addition, the proposed amendments would require that the charge for the location surcharge be clearly posted in plain view at each telephone station.

The contact person is Janet M. Sloan, Assistant Counsel, Law Bureau, (717) 787-3663.

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

Public Meeting held  
April 25, 1996

#### Proposed Rulemaking Order

#### *By the Commission:*

On November 27, 1991, the Commission entered a final order promulgating regulations which declared jurisdiction over interexchange resellers and established procedures governing the interexchange resellers and aggregators. The regulations became effective on April 4, 1992, and are codified in §§ 63.111—63.118.

The regulations impose a price cap form of regulation on resellers by generally prohibiting them from charging a higher rate for a given interexchange call than the highest rate charged for that same call by any facilities-based interexchange carrier or transporter. In addition to the capped rate, resellers are permitted to assess a charge for using the telephone, a charge commonly referred to as the location surcharge. The location surcharge is not capped by the regulations, but must be a flat rate and must be posted in plain view at each telephone station in order to provide consumer notice of the assessment and the amount of the location surcharge and provide consumers with the opportunity to go to another telephone or access another carrier, if desired.<sup>1</sup> Furthermore, pursuant to § 63.115 (relating to tariff supplements), resellers are permitted to seek Commission approval of rate increases which would allow the reseller to charge rates which exceed the price cap and in doing so charge higher rates than any facilities-based carrier. Commission review of any such rate filing by a reseller is subject to general ratemaking procedures as provided for in Chapter 13 of the Public Utility Code.

From a practical point of view, the Commission imposed reseller price caps only have substantive effect on the operator service provider (OSP) sector of the general class of resellers. OSPs are resellers which provide interexchange service to end users through aggregators, entities which make telephones available for the provision of interexchange service to the transient public, or

<sup>1</sup> Effective April 14, 1995, the Commission amended the reseller regulations to impose specific requirements, pertaining to the assessment of location surcharges, on inmate service providers, a subcategory of OSPs. Furthermore, the Commission restructured the regulations, through the addition of 52 Pa. Code § 63.112a, to clarify the application of the location surcharge posting requirement to other OSPs.

through local exchange carrier (LEC) pay telephones. OSPs have historically been the subject of rate gauging complaints since because the end user does not select the interexchange carrier, market based rate controls do not provide adequate consumer protections.<sup>2</sup> In other reseller markets, the price caps have little substantive impact since the marketplace forces these carriers to compete at rate levels at or below the reseller price caps in order to attract and retain business.

Upon review, our 3 1/2 years of experience with reseller price caps combined with the location surcharge posting requirement has yielded mixed results. On one hand, intrastate OSP rates have clearly and significantly decreased as evidenced by the fact that intrastate OSP rates levels are, as a general rule, well below intrastate rate levels where no price caps are in place. In this regard, most OSPs and their aggregator customers have been relatively responsive to the Commission's informal insistence that location surcharges not exceed levels which are generally satisfactory to consumers, as measured by the level of consumer complaints. However, a minority of carriers have been unresponsive to informal regulatory pressures and have continued to engage in price gauging activity. Furthermore, compliance with the reseller regulations has been far from perfect, requiring frequent, time and resource consuming enforcement activity, often through formal litigation. Additionally, location surcharge postings, although theoretically providing a "price tag" or important consumer notice, are typically included in small print and ambiguously worded language. To the extent the postings are noticeable and informationally adequate, they are typically misunderstood or completely ignored by unsuspecting consumers.

Given the foregoing experience, we have concluded that stricter consumer protections are necessary to protect telephone users from OSP price gauging activity and that our regulatory framework must be modified to allow for more effective and efficient reseller regulation. It is this conclusion which results in our action today.

The rationale behind permitting OSPs to assess location surcharges is recognition of the fact that since resellers are typically smaller firms than facilities based carriers they likely will have higher costs of providing service. Furthermore, because of a lack of name recognition, OSPs typically will be required to pay higher commissions to aggregators or site owners in order to attract business. Accordingly, permitting location surcharges acts to stimulate competition in the aggregator telephone marketplace. However, at the same time, consumers must be protected from irresponsible activity which results in exorbitant rates without full consumer awareness. It is this required balance between these two interests which we are evaluating in determining to amend our reseller regulations.

Following careful consideration, it is clear to us that the reseller regulations must be amended to establish a cap on location surcharges. From our review, it appears that a \$1 cap strikes the appropriate balance between competitive pressures and consumer protections. Combined with the posting requirements, the \$1 location surcharge cap will provide consumers the necessary information to make competitive choices, but at the same time will provide protections from exorbitant rate levels. Furthermore, OSPs will still be permitted to charge a reasonable amount above facilities-based carriers without

<sup>2</sup> The inadequacy of market based price controls in OSP markets is recognized by 66 Pa.C.S. § 3008(a) which statutorily defines interexchange service to aggregator telephones as noncompetitive service.

making a formal rate filing with the Commission. OSPs can still seek to increase rates further through a Chapter 13 filing if such an increase is justified.

Accordingly, through this order, we will initiate a proposed rulemaking to amend § 63.112a (relating to charge for use of the telephone) of our reseller regulations so as to impose a \$1 cap on the amount assessed by resellers as a charge for the use of the telephone. Furthermore, we will modify our definition section at § 63.112 (relating to definitions) so that the definitions in the regulations will more closely parallel definitions contained in Chapter 30 of the Public Utility Code at 66 Pa.C.S. § 3002.

Accordingly, under sections 501, 1301, 3008 and 3009(d) of the Public Utility Code, 66 Pa.C.S. §§ 501, 1301, 3008 and 3009(d), sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1202 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder at 4 Pa. Code §§ 7.251—7.235, we find that the regulations governing interexchange resellers should be amended as set forth in Annex A to this order or as amended after receipt of comments; Therefore,

*It is Ordered that:*

1. A proposed rulemaking docket is hereby opened to consider the amended regulations set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this order and Annex A for review and comment to the Independent Regulatory Review Commission and to the Legislative Standing Committees.
4. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
5. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 10 copies of any comments concerning this order and Annex A should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.
6. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Shirley M. Leming, Regulatory Coordinator, Law Bureau at (717) 772-4597 or through the AT&T Relay Center at (800) 654-5988.

JOHN G. ALFORD,  
*Secretary*

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on August 9, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposal, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in

compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

**Fiscal Note:** 57-174. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 63. TELEPHONE SERVICE**

**Subchapter H. INTEREXCHANGE RESELLERS**

**§ 63.112. Definitions.**

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

\* \* \* \* \*

**Aggregator telephone**—A telephone which is made available to the transient public, customers or patrons, including coin telephones, credit card telephones and telephones located in hotels, motels, hospitals and universities.

**Charge for the use of the telephone**—A [ charge made by an aggregator whether or not collected by an interexchange carrier ] location surcharge assessed as a component of the charge for an interexchange call [ , for the use of its telephone to make an interexchange call ] placed by an end user from an aggregator telephone.

\* \* \* \* \*

**§ 63.112a. Charge for use of the telephone.**

\* \* \* \* \*

**(b) The charge for the use of the telephone may not exceed a flat rate of \$1 per call.**

**[(b)] (c)** Except as provided for in subsection **[(c)] (d)**, the charge for the use of the telephone shall be posted in plain view at each telephone.

**[(c)] (d) \*\*\***

[Pa.B. Doc. No. 96-1370. Filed for public inspection August 23, 1996, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Annual Plan for Awarding Grants Under the Pennsylvania Agricultural Fair Act for FY 96-97

The Department of Agriculture, under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (3 P. S. §§ 1501—1508.1), hereby announces that the Secretary of Agriculture, with the advice and assistance of the Agricultural Fair Advisory Committee at its meeting of August 1, 1996, adopted the FY 96-97 Annual Plan on the awarding of grants to eligible organizations under the provisions of the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations which contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of Advisory Committee created by the act, is to adopt an annual plan for awarding of grants subject to the limitations specified in section 5 of the act.

The Annual plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.
2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.
3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for 2 and 3 year old colts and fillies, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.
4. For reimbursement to each eligible organization conducting races for 2 and 3 year colts and fillies at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.
5. For reimbursement of operating costs and premiums, a maximum amount of \$2,000 and in addition a maxi-

imum amount of \$10,000 based on a sum equal to 50% of the amount spent by the eligible Statewide agricultural organizations for premiums that are not in the \$2,000 payment as provided under section 5(2) of the act. The total maximum payment hereunder shall not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H Youth groups, a payment which will be calculated according to the following formula will pay for maximum of 4,000 members per county: 4-H groups with 500 members or less will receive base funding of \$2,000, groups with more than 500 will receive \$2,000 for the first 500 members and additional \$2 per member for every member over 500 with a total maximum funding of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by FFA Youth groups, a payment which will be calculated according to the following formula:

Tier I: FFA Chapters with 100 members or less will receive base funding of \$1,000 with an additional \$2 per member.

Tier II: FFA Chapters with 101 to 210 members inclusive will receive a \$2,000 base funding with no additional monies on a per member basis.

Tier III: FFA Chapters with 211 members or more will receive funding of \$2,000 with an additional \$2 per member for every member over 210.

8. Any funds remaining after the above grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the above payments in accordance with the following schedule:

- (a) By February 1, 1997 for payment under paragraph 1-7 above.
- (b) By September 30, 1997 for payment approved and authorized in FY 96-97 under paragraph 8 above.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-1371. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 13, 1996.

### BANKING INSTITUTIONS

#### New Bank Charters

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-6-96	Centre Square Trust Company Philadelphia Philadelphia County	1345 Chestnut St. Philadelphia Philadelphia County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>Correspondent:</i> David T. Walker 1345 Chestnut Street Philadelphia, PA 19107		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-16-96	First Commonwealth Bank Indiana Indiana County	2550 Route 286 South Indiana Indiana County	Opened
8-5-96	The Madison Bank Blue Bell Montgomery County	600 W. Lancaster Ave. Wayne Delaware County	Opened
8-12-96	Twin Rivers Community Bank Easton Northampton County	2850 Easton Ave. Bethlehem Northampton County	Filed
8-13-96	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 2506 Knights Road Bensalem Bucks County	Approved
8-13-96	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 2603 Durham Road Bristol Bucks County	Approved
8-13-96	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 500 Lincoln Highway Fairless Hills Bucks County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-6-96	Northern Central Bank Williamsport Lycoming County	<i>To:</i> Colonial Plaza Towanda Bradford County  <i>From:</i> Colonial Plaza Route 6 Towanda Bradford County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1372. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Shared Municipal Services Program

#### *Application Notice*

By this notice, the Department of Community and Economic Development (DCED) announces the opening of the application period for funding for the Shared Municipal Services program for State Fiscal Year 1996/97. Grant

applications will be accepted at the DCED regional offices (addresses appear at the end of the notice). Applications must be received on or before 5 p.m., November 1, 1996. No applications will be accepted after that time. Applications will not be accepted through the use of a facsimile machine. Disbursement of grant monies by the Department for this program is contingent upon the availability and release of funds.

The Shared Municipal Services program was created by the passage of Act 78 of 1970, amending section 201-C of The Administrative Code of 1929.

The purpose of the program is to promote cooperation between municipalities so as to foster increased efficiency

and effectiveness in the delivery of municipal services at the local level.

#### *Eligible Applicants*

Any group of two or more municipalities, or a body authorized to act on behalf of two or more municipalities is eligible to apply for funds.

#### *General Project Categories*

##### 1. Intermunicipal Organization Start-up

Grants may be awarded to newly formed Councils of Governments or similar organizations formed for the purpose of undertaking programs of intermunicipal cooperation, in order to defray the cost of initial administrative expenses.

##### 2. Shared Services

Grants may be awarded to groups of two or more municipalities acting in concert to defray the cost of performance of any local government function.

#### *Project Examples*

Typical projects for which funds may be awarded include:

- Combined police records administration
- Shared data processing operations
- Municipal insurance pooling
- Shared public works operations
- Regional recreation activities
- Shared code enforcement operations

Any authorized municipal function accomplished jointly is an eligible activity and may be included in a grant application. The purchase of vehicles and purchase or construction of buildings will not be considered as an eligible activity.

#### *Grant Allocation and Limitation*

Grant funds are usually used to finance up to 50% of total project cost. Local share is often provided by municipal labor or other in-kind services, however, the matching share for shared personnel projects must be in cash.

Upon approval of an application, a grant contract shall be executed between the Department and the applicant for the amount of the grant.

#### *Provisions Concerning the Americans with Disabilities Act*

1. During the term of this contract, the Contractor agrees to comply with the provisions of the *Americans With Disabilities Act*, 28 CFR 35.101 et seq. The Contractor further agrees to comply with the "*General Prohibitions Against Discrimination*," 28 CFR 35.130, and all other regulations promulgated under Title II of *The Americans With Disabilities Act*.

2. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of paragraph 1. above.

#### *Evaluation Criteria*

All applications will be evaluated on the weighted criteria indicated below. Funding decisions will be based on resultant scores.

The following six criteria will be used in the evaluation process:

A. *Quality/Intermunicipal Aspects*. Does the project appear to be well planned and ready for implementation? Does it address a real need of the region? Will municipalities actually be working together, or merely performing independent tasks, concurrently? Will the project explore a new area of intergovernmental cooperation? Can what is learned be applied in other places, by other municipalities?

B. *Cost Savings Potential*. Can participating municipalities expect to reduce expenditures and/or increase revenues as a result of the project? Will it contribute to the financial efficiency of local government?

C. *Local Commitment*. Will applicant municipalities be participating both financially and otherwise in the project? To what extent?

D. *Funding Adequacy and Source*. Is the amount of money applied for and the grantee contribution a reasonable amount to complete the project? Are there alternative means or sources of funding available?

E. *Past Performance*. If applicant has received previous intergovernmental program funding, how has it benefited local municipalities? Have grant funds been spent properly? Have projects been implemented and completed in a timely manner?

F. *Financial Disadvantage*. Will the project be of benefit to municipalities identified by the Department of Community and Economic Development as disadvantaged under the Department's Early Warning System?

#### *Proposal Requirements*

Applicants shall submit the following application items:

1. An original and 1 copy of a completed and executed application form sent to the Center for Local Government Services, Room 325 Forum Building, Harrisburg, PA 17120.
2. One copy to the Local Government Policy Specialist at the appropriate regional office as listed on page 4 of these guidelines.
3. A project budget.
4. A descriptive narrative.

#### *Contract Execution*

Projects selected for funding will be announced by letter from the Secretary to the contact person specified in the application. Specific actions to be taken upon receipt of this letter are provided at Appendix B.

#### *Application Information*

Copies of the application forms, application instructions and other information are available upon request to any DCED regional office or the Center for Local Government Services, Room 325 Forum Building, Harrisburg, PA 17120, (717) 787-8169 or (888) 223-6837.

Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, braille, and the like) should contact Fred A. Reddig, Center for Local Government Services, Room 325 Forum Building, Harrisburg, Pennsylvania 17120, (717) 787-8169 to discuss how the Department may best accommodate their needs.

All applications should be addressed to the Local Government Policy Specialist at the addresses listed.

### Regional Offices

#### Region I—

Governor's Southeast Regional Office  
Belvue Stratford  
200 South Broad Street—12th Floor  
Philadelphia, PA 19130  
(215) 560-2640

#### Region II—

PA Department of Community  
and Economic Development  
Northeast Regional Office  
Room 201, Samters Building  
101 Penn Avenue  
Scranton, PA 18503-4571  
(717) 961-4571

#### Region III/IV

PA Department of Community  
and Economic Development  
Northcentral and Southcentral  
Regional Office  
578 Forum Building  
Harrisburg, PA 17120  
(717) 787-7347

#### Region V—

Governor's Southwest Regional Office  
1403A State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5700

#### Region VI—

Governor's Northwest Regional Office  
100 State Street  
Suite 202  
Erie, PA 16507  
(814) 878-5719

THOMAS B. HAGEN,  
*Secretary*

[Pa.B. Doc. No. 96-1373. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Keystone College for Approval of its Request to Change Status to a Four-Year Baccalaureate Degree-Granting Institution; Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Keystone College, a 2-year associate degree-granting institution for a Certificate of Authority approving the institution's request to change status to a 4-year baccalaureate degree-granting institution.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice

of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 96-1374. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Application of Marywood College for Approval of its Request to Change Status from a College to a University; Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Marywood College for a Certificate of Authority approving the institution's request to change status from a college to a university.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 96-1375. Filed for public inspection August 23, 1996, 9:00 a.m.]



**Application of Peirce College for Approval of its Request to Change Status to a Four-Year Baccalaureate Degree-Granting Institution; Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Peirce College, a 2-year associate degree-granting institution for a Certificate of Authority approving the institution's request to change status to a 4-year baccalaureate degree-granting institution.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 96-1376. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Application of Philadelphia College of Pharmacy and Science for Approval of its Request to Change Status from a College to a University; Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (the Department) will consider the application of Philadelphia College of Pharmacy and Science for a Certification of Authority approving the institution's request to change status from a college to a university.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/

Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-6576 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 96-1377. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Application of the University of Turabo, Puerto Rico, for Approval of its Request to Offer Graduate Academic Credits and a Graduate Degree in Pennsylvania; Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of the University of Turabo, Puerto Rico for a Certificate of Authority approving the institution's request to offer graduate academic credits and a Master of Education degree with a Specialty in Teaching English as a Second Language on the Penn State Allentown Branch Campus.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 96-1378. Filed for public inspection August 23, 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 his right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0021768.** Sewage, **Borough of Somerset**, 1043 South Center Avenue, Somerset, PA 15501.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as the east branch of Coxes Creek, which are classified as a trout stocked fishery with existing or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Waterworks.

*Outfall 001:* existing discharge, design flow of 2.0 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.0	7.5		10.0
Iron	2.0		4.0	5.0
Dissolved Iron		monitor and report		
Fecal Coliform s				
(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				
Issue date—36th month		monitor and report		
37th month—expiration	.22			.73
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is not in effect.

**PA 0205061.** Sewage, **Hopewell Area School District**, 1955 Maratta Road, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Elementary School STP in Raccoon Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a tributary of Gum, which are classified as a warm water fishery with existing or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

*Outfall 001:* existing discharge, design flow of .00854 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	3.0			6.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	.02			.04
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0217409.** Sewage, **Matthew J. Maurer**, R. D. 1, Box 90, Hollsopple, PA 15935.

This application is for issuance of an NPDES permit to discharge treated sewage from the Maurer Small Flow Sewage Treatment Facility in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Twomile Run, which are classified as a cold water fishery with existing or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Manufacturers Water Company.

*Outfall 001:* existing discharge, design flow of 0.0012 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5			9
(11-1 to 4-30)	13.5			27
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	monitor and report			
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0217417.** Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690.

This application is for issuance of an NPDES permit to discharge treated sewage from Mamont Elementary School in Washington Township, **Westmoreland County**.

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

*Outfall 001:* new discharge, design flow of .016 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>	10			20
Suspended Solids	10			20

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.5			7.0
Phosphorus	1.0			2.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.06			.13
Dissolved Oxygen	not less than 7.0 mg/l			
pH	6.0—9.0			

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 0011568.** Industrial waste, **Lukens Steel Company**, 50 South First Avenue, Coatesville, PA 19320.

This application is for revocation and reissuance of an NPDES permit to discharge treated process wastewater from stormwater from Lukens Steel facility located in the City of Coatesville, **Chester County**. This is an existing discharge to Sucker Run, West Branch Brandywine Creek.

The receiving streams are classified for warm water fish, migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 0.64 mgd are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Total Lead	0.015	0.045	0.045
Total Zinc	0.12	0.37	0.37
Total Iron	2.4	4.7	5.8
Dissolved Iron	0.47	0.94	1.2
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine	monitor/report	monitor/report	

The proposed effluent limits for Outfall 016, based on an average flow of 0.50 mgd are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids	30	65	75
Oil and Grease	15		30
Total Chromium	0.27	0.53	0.67
Total Nickel	0.25	0.50	0.63
Total Copper	0.025	0.039	0.063
Fluoride	monitor/report	monitor/report	
Total Phenols	monitor/report		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

*Outfalls:* 913-916, 918-921, 923, 936-937B, 939, 941-945, 947-960, 967-969, 985-989, 991 and 992-994B shall consist solely of stormwater runoff.

The EPA waiver is not in effect.

**PA 0021172.** Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for amendment of an NPDES permit to discharge treated sewage from Harvey Avenue STP in Doylestown Township, **Bucks County**. This is an existing discharge to Cooks Run tributary to Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .9 mgd are amended as follows:

Sampling requirements for Lead and Zinc are deleted based on the February 1996 Toxics Reduction Evaluation.

The final permit limit for Copper has been revised as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	0.021	0.042	0.054

The EPA waiver is in effect.

**PA 0056901.** Industrial waste, **Jiffy Lube International, Inc.**, P. O. Box 2967, Houston, TX 77252-2967.

This application is for issuance of an NPDES permit to discharge treated groundwater from a french drain system located in Jiffy Lube Store No. 379 in Abington Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Sandy Run.

The receiving stream is classified for 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 .0136 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0056987.** Sewage, **Lucille Sliker**, c/o Quinn & Wilson Realtors, 1494 Old York Road, Abington Township, Abington, PA 19001.

This application is for issuance of an NPDES permit to discharge treated sewage from Sliker's single residential STP in Abington Township, **Montgomery County**. This is a new discharge to tributary to Robinhood Brook Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0011282.** Industrial waste, **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This application is for renewal of an NPDES permit to discharge treated process wastewater from a potable water filtration plant in Springfield Township, **Delaware County**. This is an existing discharge to Crum Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.6 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	30	60	75
TSS	30	60	75
Total Aluminum	1.24	2.48	3.10
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Chloroform		monitor/report	
Dichlorobromomethane		monitor/report	
Chlorodibromomethane		monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 002, based on an average flow of 1.7 mgd are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	60	75
TSS	60	75

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Aluminum	8.0	10
Total Iron	4.0	5.0
Total Manganese	4.0	5.0
Chloroform		monitor/report
Dichlorobromomethane		monitor/report
Chlorodibromomethane		monitor/report
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for Outfalls 003 and 004, for emergency discharges only are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
BOD <sub>5</sub>	monitor/report
TSS	monitor/report
Total Aluminum	monitor/report
Total Iron	monitor/report
Total Manganese	monitor/report
pH	within limits of 6.0—9.0 standard units at all times

The proposed effluent limits for Outfall 005, based on an average flow of 2.4 mgd are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	60	75
TSS	60	75
Total Aluminum	8.0	10
Total Iron	4.0	5.0
Total Manganese	4.0	5.0
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine	0.5	1.0
Chloroform		monitor/report
Dichlorobromomethane		monitor/report
Chlorodibromomethane		monitor/report

The proposed effluent limits for Outfall 013, based on an average flow of 0.003 mgd are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	1.0
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0027383.** Sewage, **Southwest Delaware County Municipal Authority**, P. O. Box 2081, Park and Gamble Lanes, Aston, PA 19014.

This application is for renewal of an NPDES permit to discharge treated sewage from a wastewater treatment plant in Aston Township, **Delaware County**. This is an existing discharge to Chester Creek.

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

The proposed effluent limits for Outfall 002, based on an average flow of 6.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Copper	0.018	0.036 (maximum daily)	0.045
Bis (2-Ethylhexyl) Phthalate	monitor/report		
Dieldrin	monitor/report		
Total Residual Chlorine interim	1.0		3.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
final	0.096		0.32
Free Cyanide interim	0.030	0.060 (maximum daily)	0.075
final	0.011	0.022 (maximum daily)	0.028

*Other Conditions:*

Implementation of industrial pretreatment program requirements.

Special Test Methods for certain pollutants.

Whole Effluent Toxicity Testing Requirement.

Toxics Reduction Evaluation.

The EPA waiver is not in effect.

**PA 0021181.** Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for amendment of an NPDES permit to discharge treated sewage from Green Street STP in Doylestown Borough, **Bucks County**. This is an existing discharge to an unnamed tributary to Neshaminy Creek.

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

The proposed effluent limits for Outfall 001 and 002, based on an average flow of 0.7 mgd are amended as follows:

The sampling requirements for zinc and chloroform have been deleted from the permit based on the April 1996 Toxics Reduction Evaluation.

The EPA waiver is in effect.

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

**PA 0027138.** Sewage. **City of Sharon**, 155 W. Connelly Boulevard, Sharon, PA 16146.

This application is for a renewal of an NPDES Permit to discharge treated sewage to the Shenango River in City of Sharon, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water Company New Castle District intake on the Shenango River located at New Castle, approximately 22 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 4.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	18		36
(11-1 to 4-30)	monitor and report		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	22,800/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

**PA 0002151.** Industrial waste, SIC: 3229. **Pittsburgh Corning Corporation**, P. O. Box 39, Port Allegheny, PA 16743.

This application is for renewal of an NPDES Permit to discharge treated sewage, contact and noncontact cooling water to the Allegheny River in Liberty Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA/NY state line on Allegheny River located approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall 001 based on a design flow of .252 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Oil and Grease	15		30
Temperature	<i>Average Discharge Temperature Daily Average °F</i>		
Sept. 1-15		80	
Sept. 16-30		74	
Oct. 1-15		71	
Oct. 16-31		67	
Nov. 1-15		67	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of .414 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Oil and Grease	15		30
Temperature	<i>Average Discharge Temperature Daily Average °F</i>		
Sept. 1-15		80	
Sept. 16-30		74	
Oct. 1-15		71	
Oct. 16-31		67	
Nov. 1-15		67	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 001 based on 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 (mgd)	monitor and report		
Oil and Grease	15		30
Temperature	<i>Average Discharge Temperature Daily Average °F</i>		
Sept. 1-15		80	
Sept. 16-30		74	
Oct. 1-15		71	
Oct. 16-31		67	
Nov. 1-15		67	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0002381.** Industrial waste, SIC: 2999. **Astor Corporation**, Petrowax Refining Division, Emlenton, PA 16373.

This application is for renewal of an NPDES Permit to discharge treated industrial waste, noncontact cooling water and stormwater to the Allegheny River in Emlenton Borough, **Venango County**. This is an existing discharge.

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

The proposed discharge limits for Outfall No. 001 based on a design flow of .38 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		
BOD	25.5	48	65
Total Suspended Solids	21	33	52.5
COD	175	340	440
Oil and Grease	8	15	30
Phenols	.2	.4	.5
NH <sub>3</sub> -N	11	23	26
pH	6.0—9.0 at all times		



## NOTICES

The proposed discharge limits for Outfall No. 003 based on a design flow of .228 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		
TOC	110		138
Oil and Grease	15		30
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 004 based on a design flow of .228 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		
TOC	110		138
Oil and Grease	15		30
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 005 based on a design flow of .228 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		
TOC	110		138
Oil and Grease	15		30
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

**PA 0104221.** Industrial waste, SIC: 5541. **BP Exploration & Oil, Inc.**, 200 Public Square, Cleveland, OH 44114-2375.

This application is for renewal of an NPDES Permit to discharge industrial waste to Clement's Run in Rose Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Hawthorne Borough Water Company on Red Bank Creek located at Hawthorne, approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall No. 003 based on 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	monitoring only		
Benzene	.014	.028	.035
Ethyl Benzene	.01	.02	.025
Toluene	.0028	.0056	.007
Total Xylenes	.0048	.0096	.012
Oil and Grease	15		30
Dissolved Iron	.62	1.55	
Total Iron	2.0	4.0	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 004 based on a design flow of .01 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitoring only		
Benzene	.014	.028	.035
Ethyl Benzene	.01	.02	.025
Toluene	.0028	.0056	.007
Total Xylenes	.0048	.0096	.012
Oil and Grease	15		30
Dissolved Iron	.62	1.55	
Total Iron	2.0	4.0	
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 005 based on a design flow of .004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitoring only		
Benzene	.001	.002	.0025

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total BETX**	.100	.200	.250
Ethyl Benzene	monitoring only		
Toluene	monitoring only		
Total Xylenes	monitoring only		
Oil and Grease	15		30
Dissolved Iron	.62	1.55	
Total Iron	2.0	4.0	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

**PA 0070394.** Industrial waste, SIC: 4953, **Herceg Landfill (closed)**, Mamie Herceg, 539 Roundtable Drive, Nazareth, PA 18064.

This proposed action is for renewal of an NPDES permit to discharge treated leachate from a closed sanitary landfill into an unnamed tributary to East Branch Monocary Creek in Bushkill Township, **Northampton County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.016 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	30	37.5
(11-1 to 4-30)	25	50	62.5
Total Suspended Solids	30	60	75
NH <sub>3</sub> -N			
(5-1 to 10-31)	8.2	16.4	20.5
(11-1 to 4-30)	20.0	40.0	50.0
Total Dissolved Solids	1,000	2,000	2,500
Fecal Coliforms	200 colonies/100 ml as a geometric mean		
Dissolved Oxygen	a minimum of 7 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0084581.** Industrial waste, SIC: 4941, **New Holland Borough Authority (water treatment plant)**, 12 North Railroad Avenue, New Holland, PA 17557.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Mill Creek, in East Earl Township, **Lancaster County**.

The receiving stream is classified for high quality cold 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 the Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0821 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	from 6.0—9.0 inclusive		
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Total Aluminum	4	8	10
Total Manganese	1	2	2.5

The EPA waiver is in effect.

**PA 0084841.** Industrial waste, SIC: 9999, **Texas Eastern Gas Pipeline Company**, 1121 McKinney Street, Houston, TX 77010-2010.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to the Susquehanna River in East Donegal Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.0576 mgd are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Benzene	0.005
Toluene	0.005
Ethylbenzene	0.005
Xylene	0.005
Naphthalene	0.01
Z-Methylnaphthalene	monitor
pH	from 6.0 to 9.0 inclusive

The EPA waiver is in effect.

**PA 0083771.** Industrial waste, SIC: 2026, **Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Mann's Run, in Manor Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Safe Harbor Dam Power Plant located in Manor Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.075 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50	62.5
Suspended Solids	30	60	75
NH <sub>3</sub>			
(5-1 to 10-31)	1.5	3.0	3.75
(11-1 to 4-30)	4.5	9.0	11.25
Phosphorus	2	4	5
Oil and Grease	15		30
Total Residual Chlorine	0.28		0.91
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	3,500/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 at all times		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0081744.** Industrial waste, **York County Solid Waste and Refuse Authority**, 2700 Blackbridge Road, York, PA 17402.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Rambo Run and an unnamed tributary to Ebaughs Run, in West Manchester Township, **York County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .346 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	shall be monitored		
pH	from 6.0—9.0 inclusive		

The proposed effluent limits for Outfall 002 for a design flow of .288 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	shall be monitored		
pH	from 6.0—9.0 inclusive		

The EPA waiver is in effect.

**PA 0010294.** Industrial waste, SIC: 3643 and 3679, **AMP, Incorporated**, P. O. Box 3608, Harrisburg, PA 17105-3608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Wiconisco Creek, in Williamstown Borough, **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 0.047 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	from 6.0—9.0 inclusive		
Total Suspended Solids	31	60	77
Temperature		110°F	
Oil and Grease	15	30	30
Total Thallium	0.04	0.08	0.10
Total Cadmium	0.02	0.04	0.05
Total Chromium	1.71	2.77	4.27
Total Copper	0.13	0.26	0.33
Total Lead	0.04	0.08	0.10
Total Nickel	2.38	3.98	5.95
Total Silver	0.02	0.04	0.05
Total Zinc	0.86	1.72	2.15
Total Cyanide	0.65	1.20	1.62
Total Toxic Organics		2.13	
Tetrachloroethylene	monitor and report		
Trichloroethylene	monitor and report		

The proposed effluent limits for Outfall 002 for a design flow of 0.052 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		
Tetrachloroethylene	0.005	0.010	0.013
Trichloroethylene	0.005	0.010	0.013

The EPA waiver is in effect.

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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 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 permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0070122	United Mobile Homes, Inc. 60 Old Route 22 Kutztown, PA 19530	Berks Greenwich	Mill Creek	N/A
PA0081175	Ronald I. Arnold 499 Rich Valley Road Carlisle, PA 17013	Perry Buffalo	Bucks Valley Creek	N/A

#### NOI Received and Final Actions Under NPDES General Permits

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to Waters of the Commonwealth.

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG048383	PAG-4	James and Jayne Trumbull HCR No. 1, Box 198 Ridgway, PA 15853	Elk Horton Township	West Branch Karnes Run	
PAG048391	PAG-4	Daniel J. Adamovich P. O. Box 4 Tidioute, PA 16351	Warren Limestone Township	Unnamed Tributary to Waid Run	
PAG048792	PAG-4	Leroy E. Klakamp R. D. 2, Box 2681 Russell, PA 16345	Warren Pine Grove Township	Unnamed Tributary of Akeley Run	
PAR808357	PAG-3	USF Holland, Inc. P. O. Box 847 Mars, PA 16046	Butler Adams Twp.	Breakneck Creek	4231

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.

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

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

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

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

*Allegheny County Conservation District, District Manager, 875 Greentree Rd., Rm. 208 Acacia Building, Pittsburgh, PA 15220, telephone (412) 921-1999.*

**NPDES Permit PAS10A088.** Stormwater. **Grace Santos**, 100 Wingate Drive, Pittsburgh, PA 15205 has applied to discharge stormwater from a construction activity located in Robinson Township, **Allegheny County**, to Chartiers Creek.

**NPDES Permit PAS10A089.** Stormwater. **Lisa Berardi**, A. Berardi & Son Paving, 1951 Lincoln Highway, North Versailles, PA 15136 has applied to discharge stormwater from a construction activity located in North Versailles Township, **Allegheny County**, to Turtle Creek.

**NPDES Permit No. PAS10A090.** Stormwater. **Caste Real Estate**, P. O. Box 10360, Pittsburgh, PA 15234 has applied to discharge stormwater from a construction activity located in Whitehall Borough, **Allegheny County**, to Saw Mill Run.

*Chester County Conservation District, District Manager, Gov. Serv. Ctr., Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.*

**NPDES Permit PAS10G221.** Stormwater. **Richard Meredith**, 111 Suncrest Road, Lancaster, PA 17601 has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Shamona Creek.

**NPDES Permit PAS10G222.** Stormwater. **BHC Venture Inc.**, 909 Delaware Avenue, Wilmington, DE 19899 has applied to discharge stormwater from a construction activity located in New Garden Township, **Chester County**, to the west branch of Red Clay Creek.

*Dauphin County Conservation District, District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.*

**NPDES Permit PAS10I013-1.** Stormwater. **A J S Land Development Inc.**, 1527 Old Reliance Road, Middletown, PA 17057 has applied to discharge stormwater from a construction activity located in Lower Swatara Township, **Dauphin County**, to Swatara Creek.

*Erie County Conservation District, District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.*

**NPDES Permit PAS10K018.** Stormwater. **Maleno Developers Inc.**, 2236 W. 38th Street, Erie, PA 16506 has applied to discharge stormwater from a construction activity located in Millcreek Township, **Erie County**, to Cascade Creek.

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

**NPDES Permit PAS10L011.** Stormwater. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676 has applied to discharge stormwater from a construction activity located in Springhill and Georges Townships, **Fayette County**, to Mountain Creek, Brownfield Hollow and Grassy Run.

**NPDES Permit No. PAS10L012.** Stormwater. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676 has applied to discharge stormwater from a construction activity located in Georges Township, **Fayette County**, to Georges Creek and Mountain Creek.

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

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

**1596408.** Sewerage. **Jenner's Pond Associates**, 1015 West Baltimore Pike, West Grove, PA 19390. Construction of a pumping station to serve Jenner's Pond located in Penn Township, **Chester County**.

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

**WQM Permit No. 2096407.** Sewage, **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335 is for the replacement of the existing Meadville sewage treatment plant and existing Clark Road pump station.

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

**A. 0296408.** Sewerage. **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run, West Mifflin, PA 15122. Application for Pump Station Modifications, upgrading electrical system, providing portable or stationary generators, alarm and telemetry system, and upgrading heating and ventilation systems located in the Borough of West Mifflin, **Allegheny County**.

**A. 6577410. Amendment No. 1.** Sewerage. **Maronda Farms, Inc.**, 11 Timberglen Drive, Imperial, PA 15126. Application for the modification and operation of the existing Washington Acres Sewage Treatment Plant located in the Township of Washington, **Westmoreland County** to serve the existing Washington Acres STP.

**A. 6596408.** Sewerage. **Unity Township Municipal Authority**, R. D. 3, Box 526K, Latrobe, PA 15650. Application for the construction of sewer extension and pump stations located in the Township of Unity, **Westmoreland County** to serve the Carney Road Pump Station.

**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. 4196503. Department of Corrections**, Muncy Correctional Facility, P. O. Box 598, Camp Hill, PA 17001, Clinton Township, **Lycoming County**.

The project involves the construction of two wells to serve the Muncy State Correctional Institution. The well water will be discharged to an existing water filtration plant for treatment.

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

**A. 2096503.** Public water supply. **Borough of Saegertown**, Erie Street Extension, P. O. Box 558, Saegertown, PA 16433. Proposal involves the construction of a 425,000 gallon water storage tank and booster pump station, the installation of approximately 1,200 feet of new waterline and the replacement of approximately 2,200 feet of waterline within the Saegertown Borough, **Crawford County**.

*Type of Facility:* Municipality, Public Water Supply

*Consulting Engineer:* Bradley R. Stinebiser, PE, Neilan Engineers, Inc., An EADS Group Company, P. O. Box 837, 1065 Tayman Avenue, Somerset, PA 15501-0837.

*Southwest Regional Office: Regional Manager; Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**A. 6396501. Pennsylvania-American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317. Installation of an underground booster pump station to boost domestic water pressure, North Strabane Township, **Washington County**.

**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. 603148. Richard & Rodger Good Farm (Twin Good Farm)**, Springettsbury Township, (3501 N. Sherman Street, York, PA 17402). Application for operation of an agricultural utilization of sewage sludge site in Chanceford Township, **York County**. Application determined to be administratively complete in the Regional Office July 31, 1996.

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

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

**14-399-009C.** The Department intends to issue an operating permit to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the operation of two ceramic chip capacitor binder removal ovens and associated air cleaning devices (two thermal afterburners) in Ferguson Township, **Centre County**.

**41-318-041.** The Department intends to issue an operating permit to **Chromagraphic Processing Company** (2475 Trenton Avenue, Williamsport, PA 17701) for the operation of a coil coating line (no. 6) and associated air cleaning device (a catalytic fume incinerator) in the City of Williamsport, **Lycoming County**. This coil coating line is subject to Subpart TT of the Federal Standards of Performance for New Stationary Sources.

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

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

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

Permit: **23-313-024B**  
Source: Silica Process  
Company: **Degussa Corp.**  
Location: City of Chester  
County: **Delaware**

Permit: **15-317-019**  
Source: Line 6 Bread Oven  
Company: **Pepperidge Farm, Inc.**  
Location: East Caln  
County: **Chester**

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

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

The Department intends to issue an Air Quality Operating Permit for the air contamination source and associated air cleaning device described as follows for the specified company.

Permit: **40-320-005**  
Source: No. 16 and 17 Printing Press  
Company: **Bemis Company, Inc.**  
Location: West Hazleton Borough  
County: **Luzerne**

The Department intends to issue a revised RACT (Reasonably Available Control Technology) Air Quality Operating Permit to the **Empire Sanitary Landfill** (P. O. Box 28, Taylor, PA 18517) for the operation of landfill gas extraction system with flares and/or gas processing plant at the landfill located in Taylor Borough, Old Forge Borough, and Ransom Township, **Lackawanna County**.

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

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

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

Permit: **40-314-004**  
Source: Foam Reticulator w/Spray Scrubber  
Received: July 19, 1996  
Company: **G F C Foam Incorporated**  
Location: West Hazleton Borough  
County: **Luzerne**

Permit: **48-399-040**  
Source: Digester Gas/Flare  
Received: July 29, 1996  
Company: **City of Bethlehem**  
Location: City of Bethlehem  
County: **Lehigh**

Permit: **54-310-009A**  
Source: Portable Rock Crusher/Screen Plt.  
Received: July 23, 1996  
Company: **Huss Contracting Company**  
Location: West Penn Township  
County: **Schuylkill**

#### 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 appli-

cable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of 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, 438 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Received:*

**11960901. Laurel Land Development, Inc.** (P. O. Box 629, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip mine in Jackson Township, **Cambria County**, affecting 5.7 acres, receiving stream Bracken Run, and unnamed tributary to Hinckston Run, application received July 30, 1996.

**56960107. Godin Brothers, Inc.** (R. D. 3, Box 61-R, Boswell, PA 15531), commencement, operation and restoration of bituminous strip-auger mine in Jenner Town-

ship, **Somerset County**, affecting 136.6 acres, receiving stream Quemahoning Creek and unnamed tributaries to Quemahoning Creek, application received July 31, 1996.

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

**65960110. L M M, Inc.** (P. O. Box 517, Stoystown, PA 15563). Application received for commencement, operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, proposed to affect 48.9 acres. Receiving streams unnamed tributary to Sewickly Creek and Hunters Run. Application received July 17, 1996.

**65960103. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Application received for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, proposed to affect 147.3 acres. A social and economic justification is included. Receiving streams unnamed tributaries to Miller Run and Miller Run and unnamed tributary to Rock Hollow, all tributary to Loyalhanna Creek to Conemaugh River. Application received July 22, 1996.

**65960111. Sosko Coal Company, Inc.** (R. D. 3, Box 330, Mt. Pleasant, PA 15666). Application received for commencement, operation and reclamation of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, proposed to affect 53.5 acres. Receiving streams unnamed tributaries of Buffalo Run to Sewickly Creek to Youghiogheny River. Application received July 26, 1996.

**63910102R. Twilight Industries** (Division of U. S. Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012). Renewal application received for continued reclamation of a bituminous surface mine located in Fallowfield Township, **Washington County**. Receiving streams unnamed tributaries to Pigeon Creek to the Monongahela River. Renewal application received July 29, 1996.

**30860101R. Charles Balazick** (R. R. 1, Box 124, Jefferson, PA 15344). Renewal application received for continued reclamation of a bituminous surface mine located in Jefferson Township, **Greene County**. Receiving streams unnamed tributary to South Fork Ten Mile Creek to the Monongahela River. Renewal application received July 29, 1996.

**03940106R. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**. Receiving streams unnamed tributaries to Allegheny River. Renewal application received July 30, 1996.

**02960101. Robinson Coal Company** (P. O. Box 9347, Neville Island, PA 15225). Application received for commencement, operation and reclamation of a bituminous surface mine located in North Fayette Township, **Allegheny County**, proposed to affect 164.0 acres. Receiving streams unnamed tributary to north branch Robinson Run, north branch Robinson Run to Robinson Run, Robinson Run to the Ohio River. Application received August 2, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**30841311. B & M Coal Company** (P. O. Box 37, Dilliner, PA 15327), to renew the permit for the B & M No. 2 bituminous deep mine in Dunkard Township,



**Greene County** and to revise permit to add additional subsidence control plan acres, no additional discharge. Application received July 1, 1996.

**32841302. Greenwich Collieries Division of PA Mines Corporation** (P. O. Box 367, Ebensburg, PA 15931), to revise the permit for the Greenwich No. 1 and No. 2 bituminous deep mine in Green Township, **Indiana County** and Susquehanna Township, **Cambria County** for post-mining land use change, no additional discharge. Application received August 2, 1996.

**30841601. Consolidation Coal Company** (P. O. Box 100, Osage, WV 26543), to renew the permit for the Robena Prep Plant in Monongahela Township, **Greene County**, no additional discharge. Application received July 5, 1996.

**30841312. Consolidation Coal Company** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 bituminous deep mine in Wayne Township, **Greene County** to add 2,532 subsidence control plan acres and delete 2,509 subsidence control plan acres, no additional discharge. Application received April 15, 1996.

**30841317. Consol Pennsylvania Coal Company** (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork bituminous deep mine in Morris Township, **Greene County** to add two water handling boreholes, no additional discharge. Application received August 5, 1996.

*Mineral Resources Management District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**19753004R2. N & L Coal Company** (5 Brodsky Road, Mt. Carmel, PA 17851), renewal of an existing anthracite strip operation in Conyngham and Union Townships, **Columbia and Schuylkill Counties** affecting 643.0 acres, receiving stream Mahanoy Creek. Application received July 31, 1996.

**40940201C2. Northampton Fuel Supply Company, Inc.** (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814), correction to an existing coal refuse disposal operation to include sewage sludge/coal ash for land reclamation in Jenkins Township, **Luzerne County** affecting 143.0 acres, receiving stream none. Application received August 1, 1996.

**40860101C2. Northampton Fuel Supply Company, Inc.** (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814), a correction to an existing anthracite strip operation to include sewage sludge/coal ash for land reclamation in Newport Township, **Luzerne County**, affecting 116.0 acres, receiving stream Newport Creek. Application received August 1, 1996.

**40850102R. Northeast Energy Company** (254 Johnson Street, Wilkes-Barre, PA 18702), renewal of an existing anthracite strip operation in Laurel Run Township, **Luzerne County**, affecting 41.0 acres, receiving stream Spring Run Creek. Application received August 5, 1996.

*Mineral Resources Management District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Applications Received*

**6276SM1A1C3. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit PA0594571 in Salisbury Township, **Lancaster County**,

receiving stream unnamed tributary of Pequea Creek. Application received August 8, 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.

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**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.**

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*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E08-298.** Water obstruction and encroachment. **Sheshequin Township Supervisors**, R. R. 1, Box 157, Ulster, PA 18850. To remove an existing structure and to construct and maintain a minor road crossing Horn Brook to provide access to private property. The crossing shall consist of an ACMP culvert that has a span of 11.45 feet, rise of 7.25 feet and a length of 40.0 feet. The project is located along the eastern right-of-way of SR 1043 approximately 1,320.0 feet north of the intersection of SR 1043 and Creek Road (Towanda, PA Quadrangle N: 13.3 inches; W: 14.1 inches) in Sheshequin Township, **Bradford County**. Estimated stream disturbance is 97.0 linear feet with no wetland impacts; stream classification is Warm Water Fishery.

**E14-293.** Water obstruction and encroachment, **Corl Farm, Inc.**, c/o Galen E. Dreibelbis, 1535 N. Atherton St., State College, PA 16803. To construct and maintain a stream enclosure in Big Hollow Run that will provide access to a residential development. The proposed work shall consist of installing a CMP arch culvert pipe that will have a span of 77.0 inches, rise of 52.0 inches and length of 150.0 linear feet. The project is located along the north right-of-way of SR 0026 approximately 1.5 miles north of the intersection of SR 0026 and Science Park Road (Julian, PA Quadrangle N: 7.0 inches; W: 4.0 inches) in Ferguson Township, **Centre County**. Estimated stream disturbance is 150.0 linear feet with no wetland impacts; stream classification Cold Water Fishery.

**E59-328.** Water obstruction and encroachment, **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To modify and maintain an existing stream encl-

sure to carry SR 2015, Seg. 0030 across an unnamed tributary to Roaring Creek. The proposed work shall consist of casting in place concrete scour protection along arch concrete/masonry stream enclosure abutments and over 215.0 linear feet of streambed. The project is located along the northern right-of-way of SR 0014 approximately 0.95 mile north of the intersection of SR 0014 and SR 2015 (Ralston, PA Quadrangle N: 10.6 inches; W: 13.4 inches) in Union Township, **Tioga County**. As proposed, estimated stream disturbance is 215.0 linear feet; stream classification is High Quality Cold Water Fishery.

**E59-330.** Water obstruction and encroachment, **Richard Haldeman**, 1241 Highspire Rd., Downingtown, PA 19335. Remove an existing structure and to construct and maintain a single span concrete buttressed steel I-beam bridge for private, single residence access across the Gorman Branch of Elk Run. The proposed bridge shall be constructed with a span of 8.67 feet, an underclearance of 1.65 feet and width of 12.0 feet. The project is located along the western right-of-way of SR 3001 approximately 1.1 miles north of the intersection of SR 3001 and T-397 (Marshlands, PA Quadrangle N: 13.4 inches; W: 12.5 inches) in Gaines Township, **Tioga County**. Estimated stream disturbance is 22.0 linear feet with no wetland impact; stream classification High Quality-Cold Water Fishery.

*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.*

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

**EA45-004C0.** Environmental Assessment. **Glenoak Forest Property Owners Association**, P. O. Box 185, Analomink, PA 18320. To replace and maintain the outlet structure, reshape the emergency spillway, and level the crest of an existing nonjurisdictional dam (Glenoak Forest Lake Dam) located across a tributary to Brodhead Creek (HQ-CWF) approximately 3,200 feet west of the intersection of Cherry Lane Road and Metzger Road (East Stroudsburg, PA Quadrangle N: 10.45 inches; W: 15.70 inches) in Pocono Township, **Monroe County**.

**EA46-018C0.** Environmental Assessment. **John Hynes**, Shepherd's Pond, Sandy Hill Road, Glenside, PA 19038. To construct and maintain a nonjurisdictional dam across a tributary to Wissahickon Creek (TSF) for the purpose of stormwater management at the proposed Shepherd's Pond subdivision located approximately 800 feet southwest of the intersection of State Route 73 and Sandy Hill Road (Germantown, PA Quadrangle N: 18.40 inches; W: 8.35 inches) in Springfield Township, **Montgomery County**.

**EA46-019C0.** Environmental Assessment. **Westrum Development**, 794 Penllyn Pike, Suite 101, Blue Bell, PA 19422. To construct and maintain a nonjurisdictional dam in the watershed of Park Creek (WWF, MF) impacting approximately 0.2 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Whiteman Tract subdivision located approximately 1,600 feet southeast of the intersection of Horsham Road (State Route 463) and Limekiln Pike (Ambler, PA Quadrangle N: 15.05 inches; W: 8.25 inches) in Horsham Township, **Montgomery County**.

**EA46-020C0.** Environmental Assessment. **Wisler, Pearlstine, Talone, Craig, Garrity and Potash**, 484 Norristown Road, Office Court at Walton Point, Blue Bell,

PA 19422-2326. To construct and maintain a nonjurisdictional dam across a tributary to Zacharias Creek (TSF) impacting approximately 0.11 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Ager Tract subdivision located approximately 1,500 feet west of the intersection of Morris Road and West Point Pike (Lansdale, PA Quadrangle N: 13.55 inches; W: 8.50 inches) in Worcester Township, **Montgomery County**.

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

**E13-097.** Encroachment. **Carbon County**, P. O. Box 129, Jim Thorpe, PA 18229-1238. To remove the existing structure and to construct and maintain a single span prestressed concrete bridge having a span approximately 66 feet with an underclearance of 15 feet across Lizard Creek (TSF). The project is associated with the Route T-354 bridge replacement project and is located at the intersection of T354 and Lizard Creek approximately 0.1 mile downstream of the Pennsylvania Turnpike Northeast Extension (Lehighon, PA Quadrangle N: 7.9 inches; W: 6.3 inches) in East Penn Township, **Carbon County** (Philadelphia District, Army Corps of Engineers).

**E40-447.** Encroachment. **Donald F. Searfoss**, 629 East 10th Street, Northampton, PA 18067. To remove the existing structure and to construct and maintain a single-span bridge, having a span of approximately 20 feet and an underclearance of approximately 7 feet, across Mill Creek (CWF), for the purpose of providing access to a hunting camp. The project is located near the outlet of Bryants Pond (White Haven, PA Quadrangle N: 15.3 inches; W: 8.7 inches), in Dennison Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**E45-302.** Encroachment. **Buck Hill Falls Company**, P. O. Box 426, Buck Hill Falls, PA 18323. To remove the existing structures and to construct and maintain two single-span golf cart bridges across Griscom Creek (HQ-CWF) which were damaged during a recent flood event. The downstream bridge has a span of 36 feet and an underclearance of approximately 5.0 feet and the upstream bridge has a span of 45 feet and an underclearance of approximately 6.75 feet. The bridges are located at Buck Hill Falls Golf Course, approximately 1.0 mile southwest of the intersection of S. R. 447 and S. R. 1017 (Buck Hill Falls, PA Quadrangle N: 12.95 inches; W: 3.85 inches and N: 13.25 inches; W: 4.35 inches) in Barrett Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E48-238.** Encroachment. **Columbia Gas Transmission Corporation**, 1700 MacCorkle Avenue, S. E., Charleston, WV 25314. To abandon the existing 24-inch gas pipeline, to remove the existing 14-inch gas pipeline and to construct and maintain approximately 530 feet of 14-inch gas pipeline under an unnamed tributary to west branch Martins Creek (CWF) and through wetlands to upgrade Gas Pipeline 1278. The project is located 800 feet north of the Consolidated Rail Corporation right-of-way, approximately 0.5 mile northwest of the intersection of S. R. 0512 and S. R. 1017 (Stroudsburg, PA-NJ Quadrangle, N: 3.4 inches; W: 4.5 inches) in Upper Mount Bethel Township, **Northampton County**. (Philadelphia District, Army Corps of Engineers).

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

**E01-168.** Encroachment. **Adams County Courthouse**, 111-117 Baltimore Street, Gettysburg, PA 17325.

To perform maintenance on County Bridge No. 95 having two 30-foot clear spans across Latimore Creek on T-607, by underpinning the center pier, placing riprap lining around the pier and along 75 feet of the east abutment, and removal of a 15-foot × 50-foot silt/gravel deposit from an area downstream of the right span (Dillsburg, PA Quadrangle N: 4.4 inches; W: 11.8 inches) in Latimore Township, **Adams County**.

**E05-236.** Encroachment. **Elizabeth Miller**, Asst. Sec., Cannondale Corp., R. R. 7, Friendship Road, Bedford, PA 15222. To remove an existing 36-foot diameter pipe and to construct and maintain approximately 166-foot long box culvert; to relocate and maintain the channel of an unnamed tributary to R. B. Juniata River and to place fill material in 0.36 acre of wetland in order to construct an additional warehouse located immediately downstream of U. S. 30 culvert and Friendship Road (Bedford, PA Quadrangle N: 7.85 inches; W: 3.7 inches) in Bedford Township, **Bedford County**.

**E06-482.** Encroachment. **Parker R. Biery**, P. O. Box 68, Long Pond, PA 18334. To construct and maintain two (2) golf cart bridges across an unnamed tributary to Mill Creek for the purpose of developing a 9-hole golf course and a 3-lot residential subdivision located on the west side of Walnut Road (T-742) about 1.500 feet north of its intersection with Hex Highway (SR 4028) (Auburn, PA Quadrangle N: 7.4 inches; W: 3.8 inches) in Tilden Township, **Berks County**.

**E21-251.** Encroachment. **Bowmans Village Partners**, 2171 Tall Oaks Lane, York, PA 17403. To excavate a de minimus area of wetlands for the purpose of constructing a stormwater detention pond as part of the overall development of a residential subdivision known as Bowmans Village located along Bumble Bee Hollow Road near its intersection with SR0114 (Lemoyne, PA Quadrangle N: 8.5 inches; W: 15.5 inches) in Upper Allen Township, **Cumberland County**.

**E21-252.** Encroachment. **Department of Conservation and Natural Resources**, Bureau of Forestry, 10099 Lincoln Way East, Fayetteville, PA 17222-9609. To remove existing culverts and to construct and maintain a 64-inch × 43-inch corrugated metal arch pipe in an unnamed tributary to Middle Spring Run located at the intersection of Canada Hollow and Milesburn Roads (Caledonia Park, PA Quadrangle N: 22.1 inches; W: 11.5 inches) in Southampton Township, **Cumberland County**.

**E28-240.** Encroachment. **Franklin County Commissioners**, 157 Lincoln Way East, Chambersburg, PA 17201-2211. To perform maintenance on an existing bridge across the Conococheaque Creek by replacing a reinforced concrete support beam and widening the bridge deck for highway maintenance purposes located on Etter Road (T-456) about 1.2 miles east of its intersection with Loop Road (T-489) (Chambersburg, PA Quadrangle N: 5.0 inches; W: 9.75 inches) in Guilford and Hamilton Townships, **Franklin County**.

**E31-132.** Encroachment. **Ralph Weiler, Chairperson**, Jackson Township Supervisors, R. R. 1, Box 389A, Petersburg, PA 16669. To remove an existing structure and to construct and maintain a bridge having a clear span of 15.33 feet and a minimum underclearance of about 5.6 feet across Greenlee Run located on Township Road T-534 about 0.5 mile north of its intersection with Township Road T-528 (McAlevy's Fort, PA Quadrangle N: 8.4 inches; W: 10.5 inches) in Jackson Township, **Huntingdon County**.

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

**E23-347.** Encroachment. **Jerry Jordan**, 922 Twyckenham Lane, Media, PA 19061. To construct and maintain a stormwater management facility which will permanently disturb 0.15 acre of wetlands (POW/PEM). This work is associated with the proposed Hidden Acres residential subdivision located approximately 500 feet east of the intersection of Meetinghouse Lane and Braves Trail Lane (Media USGS Quadrangle N: 8.75 inches; W: 0.20 inch) in Upper Providence and Nether Providence Townships, **Delaware County**. This application includes a request for an environmental assessment approval for a nonslope dam.

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

**E10-245.** Encroachment. **Township of Cranberry**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499. To remove existing 72-inch corrugated metal pipe and to place and maintain a 142-inch wide by 91-inch high corrugated metal pipe arch under Haine School Road across a tributary to Brush Creek (WWF). The project is located approximately 2,000 feet south of the intersection of Rochester Road (SR3022) and Haine School Road (Braden, PA Quadrangle N: 12.6 inches; W: 0.2 inch) located in Cranberry Township, **Butler County**.

**E10-246.** Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing superstructure and to install and maintain new structural steel girders, reinforced concrete deck and steel guide rails on Walsh Bridge (County Bridge No. 85) across Little Connoquenessing Creek on Welsh Road (T-360) approximately 4,000 feet north of the intersection of Welsh Road (T-360) and Harmony Street (S. R. 3030) (Evans City, PA Quadrangle N: 13.9 inches; W: 41 inches) located in Connoquenessing Township, **Butler County**.

**E20-435.** Encroachment. **Sparta Township Supervisors**, R. D. 3, Box 345, Spartansburg, PA 16346. To repair the damaged center pier of the Fish Flats Road bridge across the east branch of Oil Creek (CWF, TSF). This project will include construction of a causeway and cofferdams. The project is located on Fish Flats Road approximately 4,400 feet west of the intersection of Fish Flats Road and S. R. 0089 (Spartansburg, PA Quadrangle N: 6.5 inches; W: 10.9 inches) located in Sparta Township, **Crawford County**.

**E42-243.** Encroachment. **Port Allegheny Area Recreational Authority**, 501 Meadow Lane, Port Allegany, PA 16743. To remove the existing foot bridge with pier and install and maintain a 64-foot clear span steel beam bridge with an 8-foot 6-inch underclearance across Lillibridge Creek. Project is located adjacent to the Port Allegheny High School (Port Allegheny, PA Quadrangle N: 12.25 inches; W: 30 inches) located in Port Allegheny Borough, **McKean County**.

**E43-252.** Encroachment. **George and John Kraynak**, 2525 East State Street, Hermitage, PA 16148. To install and maintain a 4-foot high by 20-foot wide by 60-foot long concrete box culvert for a permanent roadway crossing across Magargee Run (WWF). The project will also include impact to 4,235 square feet (0.097 acre) of a wetland area during structure placement. Applicant will be constructing a 0.1 acre replacement wetland area. The project is located approximately 2,000 feet southeast of

the intersection of S. R. 0062 and Neshannock Road (Sharon East, PA Quadrangle N: 20.3 inches; W: 2.2 inches) located in City of Hermitage, **Mercer County**.

**E43-255. Encroachment. Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing girder bridge and to install and maintain a prestressed 104-foot clear span concrete box beam bridge with a 14-foot 9-inch underclearance across Neshannock Creek (CWF and Stocked Trout). Project is located on S. R. 0258 approximately 1,500 feet north from the intersection of Schaffer Road (T-678) and S. R. 258 (Mercer, PA Quadrangle N: 15.7 inches; W: 14.2 inches) located in Findley and East Lackawannock Townships, **Mercer County**.

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## ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—504 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Rich Adams at (717) 327-3666. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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#### *Permits Issued*

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**NPDES Permit No. PAG044888.** Sewerage. **Joseph A. Gundling**, R. R. 4, Box 199, Montoursville, PA 17754. Has been authorized to construct a single resident sewage treatment facility. Facility is located in Fairfield Township, **Lycoming County**.

**NPDES Permit No. PAG044880.** Sewerage. **Norman D. Easley**, Box 221, R. D. 2, Turbotville, PA 17772. Has been authorized to construct a single resident sewage treatment facility. Facility is located in Lewis Township, **Northumberland County**.

**NPDES Permit No. PAG044884.** Sewerage. **Park Heverly**, P. O. Box 157, Waterville, PA 17776. Has been authorized to construct a single resident sewage treatment facility. Facility is located in Cummings Township, **Lycoming County**.

**NPDES Permit No. PA 0209368.** Sewerage. **Benton Foundry, Inc.**, R. R. 2, Box 110, Benton, PA 17814-9550. Has been authorized to construct an onlot sewage disposal system, this new plant will serve 250 employees. It is located in Sugarloaf Township, **Columbia County**.

**NPDES Permit No. PAG044893.** Sewerage. **Carol J. Beirne**, R. R. 4, Box 273C, Towanda, PA 18848. Has renewed permit to serve a single residence sewage treatment plant. It is located in Monroe Township, **Bradford County**.

**NPDES Permit No. PAG044892.** Sewerage. **Eric and Cherie Chrobak**, 228 South Atherton-Rear, State College, PA 16801. The permittee was approved to construct a single residence treatment facility located in Curtin Township, **Centre County**.

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

**NPDES Permit No. PA 0034941.** Sewerage. **West Mead Industrial Park**, Crawford County Development Corporation, R. D. 2, Dunham Road, Meadville, PA 16335 is authorized to discharge from a facility located in West Mead Township, **Crawford County** to French Creek.

**NPDES Permit No. PA 0035661.** Sewerage. **Renick Brothers Construction Company**, P. O. Box 94, Route 173, Slippery Rock, PA 16057 is authorized to discharge from a facility located in Washington Township, **Butler County** to an unnamed tributary to Christy Run.

**NPDES Permit No. PA 0028274.** Sewerage. **Borough of New Wilmington**, 134 High Street, New Wilmington, PA 16142 is authorized to discharge from a facility located in New Wilmington Borough, **Lawrence County** to Little Neshannock Creek.

**NPDES Permit No. PA 0210196—Amendment No. 1.** Industrial waste. **Seneca Landfill, Inc.**, P. O. Box 648, Mars, PA 16046 is authorized to discharge from a facility located in Jackson Township, **Butler County** to Connoquenessing Creek.

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

**NPDES Permit No. PA0036609.** Sewerage. **Conway Borough Municipal Authority**, 1208 Third Avenue, Conway, PA 15027 is authorized to discharge from a facility located at Conway Borough Municipal Authority Wastewater Treatment Plant, Conway Borough, **Beaver County** to Ohio River.

**NPDES Permit No. PA0046230.** Sewerage. **Carmichaels-Cumberland Joint Sewer Authority**, P. O. Box 304, 103 Municipal Road, Carmichaels, PA 15320-0304 is authorized to discharge from a facility located at Carmichaels-Cumberland Joint Sewer Authority Sewage Treatment Plant, Cumberland Township, **Greene County** to Muddy Creek.

**NPDES Permit No. PA0047228.** Sewerage. **Borough of Pennsbury Village**, 1047 Pennsbury Boulevard, Pittsburgh, PA 15205 is authorized to discharge from a facility located at Pennsbury Village STP, Pennsbury Borough, **Allegheny County** to unnamed tributary of Campbells Run.

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

**NPDES Permit No. PA0031968.** Sewerage. **Youth Forestry Camp No. 3**, R. D. 1, Box 175, James Creek,

PA 16657 is authorized to discharge from a facility located in Todd Township, **Huntingdon County** to the receiving waters of an unnamed tributary of Great Trough Creek.

**NPDES Permit No. PA0083721.** Sewerage, **Paradise Mobile Home Park**, R. D. 4, Box 4033, Spring Grove, PA 17362 is authorized to discharge from a facility located in Paradise Township, **York County** to the receiving waters of an unnamed tributary of Beaver Creek.

**NPDES Permit No. PA0020711.** Sewerage, **Borough of Topton**, 44 West Keller Street, Topton, PA 19562 is authorized to discharge from a facility located in Longswamp Township, **Berks County** to the receiving waters named Toad Creek.

**NPDES Permit No. PA0022179.** Sewerage, **Borough of Mercersburg**, 113 South Main Street, Mercersburg, PA 17236 is authorized to discharge from a facility located in Mercersburg Borough, **Franklin County** to the receiving waters named Johnston Run.

**NPDES Permit No. PA0084417.** Sewerage, **The Village Square**, R. D. 1, Shermansdale, PA 17090-1997 is authorized to discharge from a facility located in Carroll Township, **Perry County** to the receiving waters of an unnamed tributary to Shermans Creek.

**NPDES Permit No. PA0083801.** Sewerage, **Gateway Unlimited, Inc.**, 871 Range End Road, Dillsburg, PA 17019 is authorized to discharge from a facility located in Franklin Township, **York County** to the receiving waters of an unnamed tributary to north branch Bermudian Creek.

**NPDES Permit No. PA0084255.** Sewerage, **Swatara Mobile Home Park**, 2459 Grace Avenue, Lebanon, PA 17046 is authorized to discharge from a facility located in Swatara Township, **Lebanon County** to the receiving waters of an unnamed tributary of Swatara Creek.

**NPDES Permit No. PA0082015.** Sewerage, **Meadows Sewer Company**, 5015 East Trindle Road, Mechanicsburg, PA 17055-3622 is authorized to discharge from a facility located in Middlesex Township, **Cumberland County** to the receiving waters named Conodoguinet Creek.

**NPDES Permit No. PA0084077.** Sewerage, **Snake Spring Township Municipal Authority**, R. D. 1, Box 453, Everett, PA 15537 is authorized to discharge from a facility located in Snake Spring Township, **Bedford County** to the receiving waters named Raystown Branch.

**NPDES Permit No. PA0080861.** Sewerage, **LaDeira, Inc.**, 125 Walmar Manor, Dillsburg, PA 17019 is authorized to discharge from a facility located in Franklin Township, **York County** to the receiving waters of an unnamed tributary of north branch Bermudian Creek.

**NPDES Permit No. PA0084701.** Sewerage, **Penn Township Municipal Authority**, 100 Municipal Building Road, Duncannon, PA 17020 is authorized to discharge from a facility located in Penn Township, **Perry County** to the receiving waters of an unnamed tributary to the Susquehanna River.

**NPDES Permit No. PA0082490.** Sewerage, **The Stonehenge, Inc.**, 985 Baltimore Pike, Gettysburg, PA 17325 is authorized to discharge from a facility located in Cumberland Township, **Adams County** to the receiving waters of an unnamed tributary of Rock Creek.

**NPDES Permit No. PA0083135.** Sewerage, **Mifflin County School District**, 103 Green Avenue, Lewistown,

PA 17044 is authorized to discharge from a facility located in Derry Township, **Mifflin County** to the receiving waters named Jacks Creek.

**NPDES Permit No. PA0045004.** Sewerage, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316 is authorized to discharge from a facility located in Reading Township, **Adams County** to the receiving waters named Mud Run.

**NPDES Permit No. PAG043541.** Sewerage, **J. A. Toner**, Box 223, Bull Run Road, Wrightsville, PA 17368 is authorized to discharge from a facility located in Lower Windsor Township, **York County** to the receiving waters named Bull Run.

**NPDES Permit No. PA0070360.** Sewerage, Amendment No. 1, **Frystown All American Travel Plazas, Inc.**, P. O. Box 302, Bethel, PA 19507-0302 is authorized to discharge from a facility located in Bethel Township, **Berks County** to the receiving waters of an unnamed tributary of Crosskill Creek.

**NPDES Permit No. PAG043537.** Sewerage, **DCNR**, Bureau of Facility Design & Construction, P. O. Box 8451, Harrisburg, PA 17105-8451 is authorized to discharge from a facility located in Shirley Township, **Huntingdon County** to the receiving waters of the Juniata River.

**NPDES Permit No. PA0010502.** Industrial waste, **Department of the Army**, Letterkenny Army Depot, Franklin Street, Extended, Chambersburg, PA 17201-4150 is authorized to discharge from a facility located in Greene Township, **Franklin County** to the receiving waters named Rowe Run.

**NPDES Permit No. PA0087394.** Industrial waste, **Butler Manufacturing Company**, 31st and S. W. Trafficway, Kansas City, MO 64141-0917 is authorized to discharge from a facility located in Annville Township, **Lebanon County** to the receiving waters of an unnamed tributary of Quittapahilla Creek.

**NPDES Permit No. PA0110191.** Industrial waste, **Empire Kosher Poultry, Inc.**, R. D. 1, P. O. Box 165, Mifflintown, PA 17059-0165 is authorized to discharge from a facility located in Wayne Township, **Mifflin County** to the receiving waters named the Juniata River.

**NPDES Permit No. PA0080195.** Industrial waste, Amendment No. 2, **Grinnell Corporation**, 1411 Lancaster Avenue, Columbia, PA 17512 is authorized to discharge from a facility located in Columbia Borough, **Lancaster County** to the receiving waters of an unnamed tributary of Shawnee Run.

**NPDES Permit No. PA0086916.** Industrial waste, **Wolfe's Auto Service**, 3063 Lebanon Road, Manheim, PA 17545 is authorized to discharge from a facility located in Rapho Township, **Lancaster County** to a dry swale of Shearer's Creek.

**NPDES Permit No. PA0083879.** Industrial waste, **South Central Counties Solid Waste Agency**, P. O. Box 136, Hopewell, PA 16650 is authorized to discharge from a facility located in Broad Top Township, **Bedford County** to the receiving waters named Sandy Run.

**NPDES Permit No. PA0080772.** Industrial waste, **C & D Power Systems**, 82 East Main Street, Leola, PA 19540 is authorized to discharge from a facility located in Upper Leacock Township, **Lancaster County** to the receiving waters of an unnamed tributary of Mill Creek.

**NPDES Permit No. PA0087386.** Industrial waste, **Worley & Obetz, Inc.**, 85 White Oak Road, Manheim, PA 17545 is authorized to discharge from a facility located

in Penn Township, **Lancaster County** to the receiving waters named Chickies Creek.

**NPDES Permit No. PA0082023.** Industrial waste, **Upper Leacock Township Water Department**, 115 Newport Road, P. O. Box 325, Leola, PA 17540 is authorized to discharge from a facility located in Upper Leacock Township, **Lancaster County** to the receiving waters of unnamed tributaries to Mill Creek and Conestoga River.

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**Notices of Intent for Coverage Under NPDES General Permit for Construction Activities and Department Final Actions**

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

*Berks County Conservation District, District Manager, P. O. Box 520 Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.*

*Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.*

*Centre County Conservation District, District Manager, 414 Holmes Ave. Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.*

*Chester County Conservation District, District Manager, Gov. Serv. Ctr., Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.*

*Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.*

*Cumberland County Conservation District, District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.*

*Delaware County Conservation District, District Manager, 1521 N. Providence Rd., Media, PA 19063, telephone (610) 892-9484.*

*Erie County Conservation District, District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.*

*Lebanon County Conservation District, District Manager, 2120 Cornwall Rd., Ste. 5, Lebanon, PA 17042, telephone (717) 272-3377.*

*Mercer County Conservation District, District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242.*

*Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Colledgeville, PA 19426, telephone (610) 489-4506.*

*Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-4812.*

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>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100038	Imperial North Carolina Assocs. 575 Kohler School Rd. New Oxford, PA 17350	Adams Co. Tyrone Twp.	Conewago Crk.
PAR10C154	Parker Biery P. O. Box 68 Long Pond, PA 18334	Berks Co. Tilden Twp.	UNT to Mill Crk.
PAR10C156	Henry Inc. 1 Aspen Ave. Sinking Spring, PA 19608	Berks Co. Maidencreek Twp.	Willow Crk.
PAR10E054	National Fuel Gas 1100 State St. Erie, PA 16512	Butler Co. Allegheny Twp.	N. Br. Bear Crk.
PAR10F055	Centre Hall-Potter Sewer Authority P. O. Box 497 Centre Hall, PA 16828	Centre Co. Potter Twp.	UNT to Sinking Crk.
PAR10G133	CertainKeed Corp. 750 E. Swedesford Rd. Valley Forge, PA 19482	Chester Co. Tredyfrin Twp.	Trout Crk.
PAR10G187	Watsons Mill P. O. Box 2766 Wilmington, DE	Chester Co. London and Britain Twps.	Broad Run
PAR101726	DEP—Bureau of Aban. Mine Reclamation P. O. Box 149 Ebensburg, PA 15931	Clearfield Co. Jordan Twp.	N. Witmer Run

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10H102	Shippensburg University 1871 Old Main Dr. Shippensburg, PA 17257	Cumberland Co. Shippensburg Twp.	Burn Run
PAR10H104	Grantham Church Grantham, PA 17027	Cumberland Co. U. Allen Twp.	UNT to Yellow Breeches
PAR10J073	Harper Assocs. P. O. Box 384 Ridley Park, PA	Delaware Co. Ridley Twp.	UNT to Ltl. Crum
PAR10K068	John Afton 8923 Wattsburg Rd. Erie, PA	Erie Co. Venango Twp.	UNT to 6 Mile Crk.
PAR10P050	William and Ruby Miller 1300 E. Kercher Ave. Myerstown, PA 17067	Lebanon Co. Jackson Twp.	Tulpehocken Crk.
PAR104324	Lake Latonka Property Owners Assoc. Inc. 420 Latonka Dr. Mercer, PA 16137	Mercer Co. Jackson and Lake Twps.	UNT to Lake Latonka
PAR10T280	Covenant Presbyterian Church of Harleysville P. O. Box 4 Harleysville, PA 19438	Montgomery Co. L. Salford Twp.	UNT to Indian Crk.
PAR10T265	Westrum Land Dev. Corp. 794 Penllyn Pike Blue Bell, PA 19422	Montgomery Co. Horsham Twp.	Park Crk.
PAR106621	Keith Cunningham 610 E. Main St. Westfield, PA 16950	Tioga Co. Knoxville Boro	Cowanesque River

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**NPDES General Permit Final Actions**

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The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

**List of NPDES General Permits Issued by DEP's  
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

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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 National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewater to the waters of the Commonwealth.

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

<i>NPDES No.</i>	<i>GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR206131	3	U. S. Steel Group 600 Grant Street Pittsburgh, PA 15219-2749	Allegheny Penn Hills	Thompson Run	8731
PAR226103	3	Quality Wood Treating Co., Inc. P. O. Box 350 Prairie du Chien, WI 53821	Beaver Marion Twp.	Connoquenessing Crk.	2491
PAR506101	3	M. C. Arnoni Company 1169 Cochran Mill Road Pittsburgh, PA 15236	Allegheny/Washington South Park/Union Twps.	UNT to Peters Creek	4953
PAR606140	3	Raymond J. Hunt P. O. Box 383 North Apollo, PA 15673	Armstrong N. Apollo Boro	Kiskiminetas River	5015

<i>NPDES No.</i>	<i>GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR806108	3	A-P-A Transport Corp. 2100 88th Street North Bergen, NJ 07047	Washington N. Strabane Twp.	Chartiers Creek	4231

The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102101	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 93 N. State St. Wilkes-Barre, PA 18701	Columbia Co. Beaver Twp.	Beaver and Scotch Runs
PAS104903	Wal-Mart Stores Inc. 701 S. Walton St. Bentonville, AR 72716	Northumberland Co. Coal Township	Quaker 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>
PAS10U055	Kendrick Builders, Inc. 1100 Jacobsburg Road Wind Gap, PA 18091	Plainfield Twp. Northampton County	Bushkill Creek
PAS10U052	Gerhard Riethmuller 82 Eagle Rock Way Montclair, NJ 07042	Palmer Township Northampton County	Bushkill Creek

**The following approvals for coverage under NPDES Individual Permit for Discharges of Stormwater from Construction Activities have been issued.**

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 422-4000.*

<i>NPDES Permit.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A085	Penn Cntr. Mmgt. Penn Cntr. W. Ste. 110 Pittsburgh, PA 15276	Robinson Twp. Allegheny County	Campbells Run
PAS100234	JDN Develp. Co. Inc 3340 Peachtree Rd. 1530 Tower Place Atlanta, GA 30326	Center Township Beaver County	Ohio River
PAS101015	Jackson East Taylor Sewer Authority R. R. 6, Box 184 Johnstown, PA 15909	Jackson Twp. East Taylor Twp. Cambria County	UNT Hinckston Run UNT Saltlick Run UNT SB Blacklick Cr. UNT Little Conemaugh River Little Conemaugh River
PAS106106	Texas Eastern Transmission Corp. 5444 Westheimer St., Ste. 698 Houston, TX 77056-5310	Mildford T Middle Creek T Upper Turkey Foot T Somerset County	Laurel Hill Creek UNTS Laurel Hill Crk. Middle Crk. UNTS Middle Crk.
PAS10W041	Waterdam Plaza Assoc. L. P. 6000 Waterdam Plaza Dr. McMurray, PA 15317	Peters Twp. Washington Co.	UNT Little Chartiers Crk.
PAS10X059	Elaine E. Zdrale Nickolai Zdrale P. O. Box 128 Murrysville, PA 15668-0128	N. Huntingdon Twp. Westmoreland Co.	Long Run



<i>NPDES Permit.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10X062	U. S. Army Corps of Eng. 1000 Liberty Ave. Pittsburgh, PA 15222-4186	Conemaugh and Derry Twps. Westmoreland Co.	Conemaugh River
PAS10X063	Lutheran Affiliated Services 1323 Freedom Rd. Cranberry Twp., PA 16066	Hempfield Twp. Westmoreland Co.	Jacks Run
PAS10X064	Kiski Area School District 200 Poplar St. Vandergrift, PA 15690	Washington Twp. Westmoreland Co.	UNT Beaver Run Reservoir

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G181	Four-A-Partners P. O. Box 310 Avondale, PA 19311	East Nottingham Twp. Chester Co.	East Branch Big Elk Creek
PAS10-J032	Keinath Properties 12 Pine View Drive Media, PA 19063	Edgemont Twp. Delaware Co.	Rocky Run

**The following approvals for coverage under NPDES Individual Permit for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102506	Milton and Mary Ellen Badeau P. O. Box 231 Kersey, PA 15846	Elk County Fox Twp.	Byrnes Run
PAS10K016	Southland Investments P. O. Box 630 Waterford, PA 16441	Erie Co. Millcreek Twp.	UNT to Walnut Creek

**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.*

**Permit No. WQM 1795408A.** Sewerage. **Bradford Township/Kephart, Lance**, P. O. Box 79, Woodland, PA 16881. The Township has been approved to construct and maintain a single residence sewage system, serving the Lance Kephart property located in Bradford Township, **Clearfield County**.

**Permit No. WQM 4993402-T1.** Sewerage. **Norman D. Easley**, Box 221, R. D. 2, Turbotville, PA 17772. The permittee was granted a transfer of Water Quality Permit (WQM) for a single residence treatment system formerly owned by Muncy Valley Properties. Facility is located in Lewis Township, **Northumberland County**.

**Permit No. WQM 4196405.** Sewerage. **Joseph A. Gundling**, R. R. 4, Box 199, Montoursville, PA 17754. The permittee has been approved to construct of a single resident sewage treatment facility. Facility is located in Fairfield Township, **Lycoming County**.

**Permit No. WQM 1496408.** Sewerage. **Eric and Cherie Chrobak**, 228 South Atherton-Rear, State College, PA 16801. The permittee has been approved to construct a single residence treatment system, located in Curtin Township, **Centre County**.

**Permit No. WQM 4196403.** Sewerage. **Loyalsock Township**, 2501 East Third Street, Williamsport, PA 17701. The applicant has been approved to construct and maintain a new pump station to serve Loyalsock Township, **Lycoming County**.

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

*Permits Issued*

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

**Permit No. 4596403.** Sewerage. **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA 18370. Permit to construct and operate a sewage treatment plant to serve the new elementary and middle schools, located in Coolbaugh Township, **Monroe County**.

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

**WQM Permit No. 6196401.** Sewage. **Sandycreek Township**, R. D. 4, Box 900, Franklin, PA 16323. This project is for plans to construct sewer lines, pump stations and related appurtenances in Sandycreek Township, **Venango County**.

**WQM Permit No. 2596408.** Sewage. **Wattsburg Area School District**, P. O. Box 219, Wattsburg, PA 16442. This project is for plans to construct an addition to the existing sanitary wastewater treatment plant in Greene Township, **Erie County**.

**WQM Permit No. 1096407.** Sewage. **Borough of West Sunbury**, Box 202, West Sunbury, PA 16061. This project is for plans to install and operate a proposed municipal treatment plant in West Sunbury, **Butler County**.

**WQM Permit No. 6296407.** Sewerage, **Leroy E. Klakamp**, SRSTP, R. D. 2, Box 2681, Russell, PA 16345. Construction of Leroy E. Klakamp SRSTP located in Pine Grove Township, **Warren County**.

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

**Permit No. 2696402.** Sewerage, **Menallen Township Sewer Authority**, P. O. Box 576, New Salem, PA 15468. Construction of pump station, force main, sanitary sewers located in the Township of Menallen, **Fayette County** to serve the Village of Keisterville.

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

**A. 0596406.** Sewage, submitted by **Broadtop Township**, Municipal Building, Defiance, PA 16633 to construct sewers and appurtenances, sewage treatment plant and outfall and headwall in Broadtop Township, **Bedford County** was submitted to the Southcentral Regional Office on August 5, 1996.

**A. 3896201.** Sewage, submitted by **Pennfield Farms**, Rt. 22, P. O. Box 70, Fredericksburg, PA 17026 to install new equipment in Bethel Township, **Lebanon County** was submitted to the Southcentral Regional Office on July 31, 1996.

**A. 3696408.** Sewage, submitted by **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17601 to construct pump stations and sewage treatment plant in Manor Township, **Lancaster County** was submitted to the Southcentral Regional Office on July 19, 1996.

**A. 3696407.** Sewage, submitted by **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517 to construct sewers and appurtenances, sewage treatment plant and outfall and headwall in Brecknock Township, **Lancaster County** was submitted to the Southcentral Regional Office on August 6, 1996.

**Permit No. 0596403.** Sewerage. **Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522. Construction of sewers and appurtenances in Bedford Township, **Bedford County**.

**Permit No. 0596401.** Sewerage. **Snake Spring Township Municipal Authority**, R. D. 1, Box 453, Everett, PA 15537. Construction of sewage treatment facilities in Snake Spring Township, **Bedford County**.

**Permit No. 2896201.** Sewerage. **R & A Bender, Inc.**, P. O. Box 399, Scotland, PA 17254. Construction of groundwater treatment facilities in Greene Township, **Franklin County**.

**Permit No. 0196403.** Sewerage. **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325. Construction of sewers and appurtenances in Cumberland Township, **Adams County**.

**Permit No. 2896402.** Sewerage. **Borough of Mercersburg**, 113 South Main Street, Mercersburg, PA 17236. Upgrading and enlargement of the existing Loewengart Tannery SBR sewage treatment facility in the Borough of Mercersburg, **Franklin County**.

**Permit No. 3696406.** Sewerage. **Zerbe Sisters Nursing Center, Inc.**, 2499 Zerbe Road, Narvon, PA 17555. Construction of sewage treatment facilities in Caernarvon Township, **Lancaster County**.

**Permit No. 6796402.** Sewerage. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. Upgrade and expansion of the White Oak pump station in Newberry Township, **York County**.

**Permit No. 6796407.** Sewerage. **Andrew W. Lentz**, R. D. 1, Box 1072, Spring Grove, PA 17362. Construction of sewage treatment facilities and land application facilities in Jackson Township, **York County**.

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

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

**Permit No. 0996507.** Public water supply. **Schoolhouse Apartments**, Richard Reshetar, P. O. Box 514, Point Pleasant, PA 18950. This proposal involves modification of an existing water supply system. The project includes the installation of a hypochlorinator, a flow meter and four storage tanks in Nockamixon Township, **Bucks County**.

*Type of Facility:* Community Water System

*Consulting Engineer:* Strothers Associates, Inc., 604 South Main Street, Sellersville, PA 18960

*Permit to Construct Issued:* July 30, 1996

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

**Permit No. 3288504-A1.** Public water supply. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

*Type of Facility:* North Ben Franklin Road Project.

*Permit to Operate Issued:* August 2, 1996

**Permit No. 0389504-A1.** Public water supply. **Cowanshannock Township Municipal Authority**, 74 Second Street, P. O. Box 127, NuMine, PA 16244.

*Type of Facility:* Sagamore No. 1 Reservoir Cover.

*Permit to Operate Issued:* August 2, 1996.

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**Notice of the Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(2) and 303(h)(2)).**

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The following final reports were submitted to the Department of Environmental Protection under the Land

Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final report:

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

**Super Rite Foods**, City of Harrisburg, **Dauphin County**. Super Rite Foods, Inc., 3900 Industrial Road, Harrisburg, PA 17105, has submitted a final report concerning the remediation of site soils contaminated with lead. The report is intended to document remediation of the site to meet the Statewide health standard.

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#### Notice of Settlement

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DEP v. June Chester, N. Margaret Hendrickson, Dorothy E. Hendrickson, and Orville Hendrickson.

Relating to: Hendrickson Property, Cochranville, **Chester County, PA**

The Department of Environmental Protection, under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304) hereby gives notice that it has entered into a proposed Consent Decree with June Chester, N. Margaret Hendrickson, Dorothy E. Hendrickson, and Orville Hendrickson (Hendricksons) associated with cost recovery for the cleanup of the Hendrickson Property in Cochranville, Chester County, PA.

The Hendrickson Property is located along Route 10 in Cochranville, PA. A tire fire at the site in 1988 caused a release of hazardous substances at the property. Through the Consent Decree, the Hendricksons would resolve any potential liability to the Department for costs associated with the cleanup of the property. Under the terms of the Consent Decree, the Hendricksons will remit to the Department a percentage of the net proceeds from any sale of the property. The Hendricksons will also remit to the Department 1/2 of the gross proceeds, if any are recovered, from a third-party lawsuit against the person who they contend started the tire fire which caused the release of hazardous substances at the property.

This notice is being provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department is providing for a 60 day comment period on the proposed Consent Decree from the date of publication of this Notice. Under section 1113 of HSCA, the Consent Decree will become final when the Department files its response to any significant comments received during the comment period. The Consent Decree may be examined from 8 a.m. to 4 p.m. in the Department's Southeast Field Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Interested persons may contact David Kennedy at (610) 832-6199 or Jacqueline A. Hatoff at (610) 832-6300. Persons may submit written comments to David Kennedy at the above address.

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**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. §§ 4001.101—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. 101508. Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, located in Neshannock Township, **Lawrence County**. A permit to construct a captive residual waste landfill to accept Waste Code 210 (Water Treatment Sludges/Sediment) at the PA American Water Company—New Castle Plant, was issued in the Regional Office on July 31, 1996.

**A. 101650. Browning Ferris Industries**, 1863 East 12th Street, Erie, PA 16503, located in the City of Erie, **Erie County**. A permit to construct and operate a municipal waste transfer station, known as the BFI Erie Transfer Station, was issued in the Regional Office on July 30, 1996.

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

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

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described as follows for the specified companies.

Permit: **48-320-003E**  
Source: Bind/Stitch/Trim w/Cyclones & Baghs  
Company: **Mack Printing Company**  
Location: Wilson Borough  
County: **Northampton**

Permit: **54-318-008A**  
Source: 2 Autospray Booths w/Panel Filter  
Company: **Air Products & Chemical Company**  
Location: Rush Township  
County: **Schuylkill**

Permit: **39-302-155**  
Source: 2 Kewanee Boilers (750 HP/NAT Gas)  
Issued: July 30, 1996  
Company: **The Coca-Cola Company**  
Location: Upper Macungie Township  
County: **Lehigh**

Permit: **48-319-007**  
 Source: Scrap Grind/Mix System w/Baghouse  
 Issued: July 22, 1996  
 Company: **G A F Premium Products, Inc.**  
 Location: Wind Gap Borough  
 County: **Northampton**

#### 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 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).

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

#### Coal Applications Issued

**56850107.** Permit renewal, **Sanner Energies, Inc.** (R. D. 2, Box 358A, Rockwood, PA 15557), commencement, operation and restoration of a bituminous strip-auger mine in Southampton Township, Wellersburg Boro, **Somerset County**, affecting 226.6 acres, receiving stream unnamed tributaries to the north branch Jennings Run, application received June 11, 1996, permit issued August 5, 1996.

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

**03940111. Canterbury Coal Company** (R. D. 1, Box 119, Avonmore, PA 15618). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Kiskiminetas Township, **Armstrong County**, affecting 88.4 acres. Receiving streams unnamed tributaries to Roaring Run and Roaring Run. Application received February 27, 1995. Permit issued July 22, 1996.

**03940105. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine with incidental sandstone and shale removal, a portable crusher, and coal preparation/processing facility located in East Franklin and Washington Townships, **Armstrong County**, affecting 398.3 acres. Receiving streams unnamed tributaries to Limestone Run to Allegheny River and unnamed tributary to Allegheny River. Application received December 8, 1995. Permit issued July 22, 1996.

**65850105R. American Coal Company** (P. O. Box 810, McMurray, PA 15317). Renewal issued for continued operation and reclamation of a bituminous surface mine/coal refuse disposal facility located in South Huntingdon Township, **Westmoreland County**, affecting 68.9 acres. Receiving streams unnamed tributaries of Hunters Run and Lick Run. Application received May 9, 1996. Renewal issued July 26, 1996.

**03930108. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Permit issued for commencement, operation and reclamation of a bituminous surface/auger

mine located in Wayne and Cowanshannock Townships, **Armstrong County**, affecting 254 acres. Receiving streams unnamed tributaries to south branch Pine Creek and south branch Pine Creek to South Fork Pine Creek. Application received May 9, 1994. Permit issued July 30, 1996.

**02950101. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Permit revised to allow mining of the Pittsburgh coal seam on a bituminous surface mining site located in Elizabeth Township, **Allegheny County**, affecting 55 acres. Receiving streams unnamed tributaries to the Youghiogheny River, Youghiogheny River. Application received April 9, 1996. Revision issued July 31, 1996.

**03960105. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Cowanshannock Township, **Armstrong County**, affecting 462 acres. Receiving streams unnamed tributaries to Huskins Run and Huskins Run. Application received May 8, 1996. Permit issued August 1, 1996.

**02960901. ACV Power Corporation** (P. O. Box 402, Emlenton, PA 16373). Permit issued for commencement, operation and reclamation of an incidental coal extraction site located in Indiana Township, **Allegheny County**, affecting 12.0 acres. Receiving stream Little Deer Creek. Application received May 10, 1996. Permit issued August 5, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54841303R2C. Tito Coal** (R. R. 1, Box 67A2, Williamstown, PA 17098), renewal and correction of an existing anthracite deep mine operation in Porter Township, **Schuylkill County** affecting 1.1 acres, receiving stream none. Renewal/Correction issued August 7, 1996.

**49851603R2. R & N Coal Company** (R. R. 1, Box 1027, Paxinos, PA 17860), renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream none. Renewal issued August 8, 1996.

**54851315R2. Nowacki Coal Company** (R. R. 1, Box 1308, Tamaqua, PA 18252), renewal of an existing deep mine operation in Schuylkill Township, **Schuylkill County** affecting 1.0 acre, receiving stream none. Renewal issued August 8, 1996.

**13940201C. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), correction to an existing coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 11.5 acres, receiving stream none. Correction issued August 8, 1996.

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

#### Noncoal Permits Issued

**26950402. Davison Sand & Gravel Company** (400 Industrial Boulevard, New Kensington, PA 15068). Permit issued for commencement, operation and reclamation of a large noncoal surface and deep mine (limestone quarry) located in Bullsken Township, **Fayette County**, affecting 360 acres. Receiving streams Green Lick Run to Jacobs Creek. Application received November 15, 1995. Permit issued July 26, 1996.

**3378NC17 (T) (RE). Davison Sand & Gravel Company** (400 Industrial Boulevard, New Kensington, PA

15068). NPDES renewal issued for a large noncoal surface mine located in Connellsville Township, **Fayette County**. Receiving streams an unnamed tributary to Connell Run and Connell Run. Application received July 9, 1996. NPDES renewal issued July 30, 1996.

**65900403. Davison Sand & Gravel Company** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES renewal issued for a large noncoal surface mining site located in Unity Township, **Westmoreland County**. Receiving streams unnamed tributary to Nine Mile Run. Application received July 9, 1996. NPDES renewal issued July 31, 1996.

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#### Request for Variance

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The Bureau of Deep Mine Safety has approved a request for variance from the **Tanoma Mining Company**. The following notification contains a summary of both this request and the Department's decision regarding approval. Complete copies of both the variance request and the Department's decision may be obtained from Glen Ziegler by calling (717) 787-1376.

*Summary of the request:* Tanoma Mining Company's plan calls for the use of electronic detectors to detect for oxygen deficiency in lieu of the permissible flame safety lamp for machine runners. Tanoma mining believes that an oxygen detector with alarm capabilities provides at least the same level of protection as the flame safety lamp for the machine operator. Additionally, the Tanoma Mining Company would provide its machine operators with separate electronic detectors that test the mine atmosphere for methane concentrations.

*Summary of the decision:* The Bureau has determined that Tanoma Mining Company's approved plan will provide protection to personnel and property substantially equal to or in excess of the requirements set forth in the Bituminous Coal Mine Act. The basis for the Bureau's determination for approval can be summarized in the following conclusions:

1. Methane and oxygen detectors, both with alarm capabilities, will be used. A single detector that has the capability of sampling the mine atmosphere for both methane and oxygen is also acceptable.

2. Detectors will be calibrated and examined as per manufacturers' specifications.

3. The variance is for machine runners only. Shot-firers and Mine officials (mine foremen, assistant mine foremen, mine electricians and mine examiners) are not covered under this variance.

4. Certified officials and machine runners throughout the bituminous coal mining industry were surveyed. The results indicate an agreement with the proposal that methane and oxygen detectors would provide protection equal to or better than a flame safety lamp for machine runners.

This approval is limited to a variance from the requirements for flame safety lamps contained in section 316(h)(1) of the Bituminous Coal Mine Act. All other terms and requirements of section 316 shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the approved plan.

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment Approval, and requests for Water Quality

Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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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).

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

**E01-167.** Encroachment. **Steve Shriver**, 130 Hanover Street, New Oxford, PA 17350. To abandon 75 L. F. of stream channel and to construct and maintain 35 L. F. of new stream channel and to construct and maintain 30 L. F. of a 6-foot diameter C.M.P. on an unnamed tributary to the south branch Conewago Creek for a private drive to be located west of Lingg Road approximately 0.5 mile north of Irishtown Road (McSherrystown, PA Quadrangle N: 17.8 inches; W: 7.2 inches) in Oxford Township, **Adams County**.

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

**E23-342.** Encroachment. **Township of Ridley**, MacDade Boulevard and Morton Avenue, Folsom, PA 19033-0000. To construct and maintain a stream improvement project along Little Crum Creek which consists of widening approximately 700 linear feet of stream channel for the purpose of increasing hydraulic capacity. This project is located approximately 1,000 feet southeast from the intersection of Park Avenue and Michigan Avenue (Lansdowne, PA Quadrangle N: 3.2 inches; W: 12.4 inches) in Ridley Township, **Delaware County**.

*Permits Issued and Actions on 401 Certifications*

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E19-150.** Water obstruction and encroachment. **DEP**, Bureau of Abandoned Reclamation, 93 North State St.,

Wilkes-Barre, PA 18701-3195. To displace 2.8 acres of water to fill four abandon strip mine pits for the reclamation of a 125.8 acre site. The proposed work shall consist of pumping water, filling, regrading, seeding and mulching within 61.4 acres of drainage to Beaver Run and 64.4 acres of drainage to Scotch Run. The project is located along the southern right-of-way of SR 2022 approximately 1.2 miles east of the intersection of T-399 and SR 2022 (Shumans, PA Quadrangle N: 17.8 inches; W: 4.5 inches) in Beaver Township, **Columbia County**.

**E41-366.** Water obstruction and encroachment. **Diana Van Fleet**, R. R. 1, Box 298, Linden, PA 17744. To modify and maintain an existing bridge across Pine Run. The project is located off Pine Road about 0.4 mile north of Route 220 (Linden, PA Quadrangle N: 17.5 inches; W: 8.25 inches) in Woodward Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-286.** Water obstruction and encroachment. **Daniel and Frances Reilly**, 254 Dickie Ave., Staten Island, NY 10314. To construct and maintain a single span bridge with a span of 32 feet and an approximate underclearance of 4 feet across east branch Fishing Creek located approximately 3.1 miles northbound on Fishing Creek Road from its intersection with SR 0006 (Coudersport, PA Quadrangle N: 11.0 inches; W: 15.3 inches) in Roulette Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects."

**E59-320.** Water obstruction and encroachment. **Patterson Lumber Co. Inc.**, P. O. Box 57, Wellsboro, PA 16901. To construct and maintain a steel stringer bridge with a clear span of 66.6 feet and an average underclearance of 7 feet across Long Run located 140 feet east of SR 0349 approximately 3.2 road miles north from SR 0006 (Sabinsville, PA Quadrangle N: 8.1 inches; W: 9.8 inches) in Gaines Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-322.** Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a reinforced concrete box culvert with a span of 7.5 feet, a rise of 5.5 feet and a length of 22.0 feet to carry Mine Hole Road across East Mine Hole Run. The project is located along the eastern right-of-way of SR 3001 approximately 2.2 miles northeast of the intersection of SR 3001 and Mine Hole Run Road (Cedar Run, PA Quadrangle N: 14.2 inches; W: 8.3 inches) in Morris Township, **Tioga County**.

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

**E02-1141.** Encroachment. **H&H Development Co.**, 939 Sheraton Drive, Mars, PA 16046. To construct and maintain two stream enclosures, one consisting of a 72-inch diameter culvert approximately 115.0 feet in length in Pine Creek and a 72-inch diameter culvert approximately 140.0 feet in length in Pine Creek (each 1.0 foot depressed) and to place and maintain fill in approximately 0.62 acre of wetlands to provide access to the Grey Oaks Plan of Lots. The project is located on Willow Oak Drive, approximately 75.0 feet west from the intersection of Willow Oak Drive and Wexford Run Road (Emsworth, PA Quadrangle N: 21.0 inches; W: 10.9 inches) in Franklin Park Borough, **Allegheny County**. This permit also authorizes the construction of 0.62 acre of replacement wetlands.

**E02-1147.** Encroachment. **Allegheny County Commissioners**, 501 County Office Building, Forbes Ave. & Ross Street, Pittsburgh, PA 15219. To construct and maintain a 140-foot long soldier beam and lagging wall and replace an existing 24-inch CMP outfall with a new 24-inch CMP outfall pipe along the left bank of Lick Run for the purpose of improving the slope stability of Broughton-Cochran Mill Road. The project is located along the west side of Broughton-Cochran Mill Road approximately 100 feet south of the intersection of Broughton-Cochran Mill Road and McElhaney Road (Glassport, PA Quadrangle N: 10.7 inches; W: 14.2 inches) in Jefferson Borough, **Allegheny County**.

**E26-220.** Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 3-span bridge having normal clear spans of 171.1 feet, 209.5 feet, and 171.1 feet with an underclearance of 40.8 feet across Cheat River on S. R. 0019, Section B11, Station 14+, and to place and maintain fill in a de minimus area of wetlands equal to or less than 0.05 acre. The project includes construction and maintenance of four causeways consisting of 48-inch diameter pipes (Morgantown, North, WV—PA Quadrangle N: 21.2 inches; W: 3.4 inches) in Point Marion Borough and Springhill Township, **Fayette County**.

**E32-363R.** Encroachment. **Clair L. and Donna M. Ruffner**, R. R. 6, Box 237, Indiana, PA 15701. To place and maintain fill along Crooked Creek for the development of a retail fuel service station located on the east side of S. R. 286 approximately 2.8 miles from the SR 119 overpass (Clymer, PA Quadrangle N: 7.2 inches; W: 11.55 inches) in Rayne Township, **Indiana County**.

**E65-628.** Encroachment. **Arthur J. Nobile**, 303 Farmington Drive, Greensburg, PA 15601. To place and maintain fill having an area no greater than 20,000 square feet in the existing impoundment of the Township Line Dam (DEP File No. D65-033) for the purpose of creating a golf course green. The project is located along S. R. 130 at the Lago De Vita residential/golf course plan (Latrobe, PA Quadrangle N: 5.1 inches; W: 17.0 inches) in Unity Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Permits Issued and Actions on 401 Certification*

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

**E10-236.** Encroachment. **Cranberry Township Supervisors**, 2525 Rochester Road, Cranberry Township, PA 16066. To remove debris and bedload deposits from two locations of the channel of Brush Creek in Cranberry Township, **Butler County**. One is an approximate 300-foot reach extending 115 feet upstream and 140 feet downstream of the Rochester Road (S. R. 3022 bridge, including the area under the bridge (Mars, PA Quadrangle N: 12.9 inches; W: 16.65 inches). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E24-195.** Encroachment. **Municipal Authority of the Borough of St. Marys**, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857-1994. To construct and maintain a flood protection project on Elk Creek at the St. Marys Wastewater Treatment Plant along S. R. 120 consisting of the following: (1) remove bedload deposits from a total of 540 feet of stream channel; (2) construct a 300-foot long by 40-foot wide high flow channel; (3)

construct a 385-foot long earth dike with a top width of 6 feet and a height of 4 feet above the bottom of the high flow channel; and (4) install approximately 300 feet of rock riprap bank protection. (St. Marys, PA Quadrangle N: 8.5 inches; W: 10.5 inches located in the Borough of St. Marys, **Elk County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E25-538.** Encroachment. **Wegmans Food Markets, Inc.**, 1500 Brooks Avenue, P. O. Box 844, Rochester, NY 14692. To fill a total of 0.37 acre of wetland, relocate approximately 1,940 feet of a tributary to Walnut Creek and construct and maintain a stormwater detention facility as part of a commercial retail facility along the north side of S. R. 20 (West Ridge Road) approximately 1,800 feet west of Asbury Road (Swanville, PA Quadrangle N: 12.8 inches; W: 8.7 inches) located in Millcreek Township, **Erie County**.

**E43-250.** Encroachment. **Grove City Country Club**, Box 427, 73 Country Club Road, Grove City, PA 16127. To construct and maintain a bridge having a single 20-foot span across a wetland impacting a de minimus area of the wetland for a golf cart crossing in the Grove City

Country Club Golf Course approximately 1,400 feet southwest of the clubhouse (Grove City, PA Quadrangle N: 3.5 inches; W: 16.0 inches) located in Pine Township, **Mercer County**.

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 1996, the Department of Environmental Protection under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, 1-800-23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Amram Radon Testing Corporation of America	2 Hayes Street Elmsford, NY 10523	Laboratory
Mark Bibbens	518 Westfield Drive Exton, PA 19341	Testing
Joseph A. Cocciardi	4 Kacey Court Mechanicsburg, PA 17055	Testing
Kevin M. Fischer, P.E.	P. O. Box 586 Yardley, PA 19067	Testing
James A. Forshey	1635A East Pleasant Valley Boulevard Altoona, PA 16602	Testing
Kenneth A. Harrold	1120 Sandstone Road Greensburg, PA 15601	Testing
Robert Haushalter, Jr. Volz Environmental Services, Inc.	1200 Gulf Lab Road Pittsburgh, PA 15238	Testing
Kenneth Leath	356 East Outer Drive State College, PA 16801	Testing
Daniel Mills	74 Wynne Avenue Pittsburgh, PA 15206	Testing
Clarence Sisco Cape Atlantic, Inc.	P. O. Box 954, Townshipline Road Blue Bell, PA 19422	Testing

[Pa.B. Doc. No. 96-1379. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Initial Notice of Request for Certification under Section 401 of the Federal Clean Water Act of 1977 and Coastal Zone Management Consistency Determination of the Army Corps of Engineers Proposed Nationwide Permits

On Monday, June 17, 1996, the Army Corps of Engineers (Corps) published in the *Federal Register*, its application for certification under section 401(a) of The Federal Clean Water Act of 1977 (33 U.S.C.A. § 1341(a)), that the activities authorized by those Nationwide permits which may result in a discharge into waters of the United States will comply with the applicable provisions

of sections 301—303, 306 and 307 of the act. That notice also served as a request for a State determination of coastal zone management consistency under section 307 of the Coastal Zone Management Act (16 U.S.C.A. § 1456) for activities within or affecting the coastal zone of the Commonwealth of Pennsylvania.

The Army Corps of Engineers is proposing to reissue 37 existing Nationwide Permits (NWP) and 4 new Nationwide Permits. These permits allow specific activities to be conducted in waters of the United States, including wetlands under standard specified conditions. On September 9, 1994, the Corps proposed to suspend specific NWP which are redundant and unnecessary under the Pennsyl-

vania State Programmatic General Permit (PASPGP-1) process. Those NWP's proposed for suspension are preceded with an asterisk.

Persons wishing to comment on this application for 401 water quality certification and coastal management consistency are invited to submit comments within 60 days of the date of this notice. Prior to final action on this application, consideration will be given to any comments, suggestions or objections which are submitted in writing within 60 days of the date of this notice. Comments should be submitted to the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554. Requests should contain the name, address and telephone number of the person commenting, identification of the Certification request to which the comments are addressed and a concise statement of comments, objections or suggestions. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5788 (voice users). No comments submitted by facsimile transmission will be accepted. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary.

*Electronic Comments*—Comments may be submitted electronically to the Department at RegComments@A1.dep.state.pa.us. A subject heading of the proposal must be included in each transmission. Comments submitted electronically must also be received by the Department within 60 days of the publication of this proposed notice.

The Nationwide permits published on June 17, 1996 are listed for your convenience. For a more thorough discussion of each Nationwide permit, see June 17, 1996, *Federal Register* pg. 30780—30795. For more information concerning the Nationwide Permits, contact the U. S. Army Corps of Engineers, Baltimore District, Attn.: CENAB-OP-R, P. O. Box 1715, Baltimore, MD 21203-1715.

#### **Index of the Nationwide Permits**

##### *Existing Nationwide Permits*

1. Aids to Navigation
2. Structures in Artificial Canals
- \*3. Maintenance
- \*4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- \*5. Scientific Measurement Devices
6. Survey Activities
- \*7. Outfall Structures
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
- \*12. Utility Line Backfill and Bedding
- \*13. Bank Stabilization
- \*14. Road Crossing
- \*15. U. S. Coast Guard Approved Bridges
16. Return Water from Upland Contained Disposal Areas
17. Hydropower Projects
- \*18. Minor Discharges

19. 25 Cubic Yard Dredging
20. Oil Spill Cleanup
21. Surface Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
- \*25. Structural Discharge
- \*26. Headwaters and Isolated Waters Discharges
27. Wetland Restoration Activities
28. Modifications of Existing Marinas
29. Single-Family Housing
30. Reserved
31. Reserved
32. Completed Enforcement Actions
- \*33. Temporary Construction and Access
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
- \*36. Boat Ramps
- \*37. Emergency Watershed Protection
38. Cleanup of Hazardous and Toxic Waste
39. Reserved
- \*40. Farm Buildings

*Proposed New Nationwide Permits* (See below for proposed description)

- A. Moist Soil Management for Wildlife
- B. Food Security Act Minimal Effect Exemptions
- C. Minor Mining Activities
- D. Maintenance of Existing Flood Control Projects

##### *Nationwide Permit Conditions*

##### *General Conditions:*

1. Navigation
2. Proper Maintenance
3. Erosion and Siltation Controls
4. Aquatic Life Movements
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality Certification
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification

##### *Section 404 Only Conditions:*

1. Water Supply Intakes
2. Shellfish Production
3. Suitable Material
4. Mitigation
5. Spawning Areas
6. Obstruction of High Flows



7. Adverse Impacts from Impoundments
8. Waterfowl Breeding Areas
9. Removal of Temporary Fills

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1380. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Regulatory Basics Initiative Reports on Technical Guidance

A report evaluating the Department's technical guidance documents is available from the Department. The report identifies technical guidance documents which will be amended or deleted.

Each technical guidance document was reviewed to determine if it complied with the goals of the regulatory basics initiative. Generally, guidance will be no more stringent than Federal requirements; minimize costs to the regulated community; eliminate unnecessary requirements; encourage performance or outcome based requirements; and assure that information is clear and concise.

Copies of the report are available on the Department's Web Site at <http://www.dep.state.pa.us> (choose Public Participation Center/Hot Topics) or from Barbara Sexton at (717) 783-8727 or e-mail [Sexton.Barbara@a1.dep.state.pa.us](mailto:Sexton.Barbara@a1.dep.state.pa.us).

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1381. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Retention of Engineering/Surveying Firms

#### Eastern Pennsylvania Project Reference No. C69:11-FPP-103.3E

The Department of Environmental Protection will retain an engineering and/or surveying firm to provide topographic and cross sectional surveying throughout Eastern Pennsylvania. This will include surveying in and along streams and floodplains with particular detail required at bridges. Part of this survey would include: locations and first floor elevations of area structures such as houses, businesses, and industrial buildings; and surveying construction sites for flood protection projects.

#### Western Pennsylvania Project Reference No. C69:11-FPP-103.3W

The Department of Environmental Protection will retain an engineering and/or surveying firm to provide topographic and cross sectional surveying throughout Western Pennsylvania. This will include surveying in and along streams and floodplains with particular detail required at bridges. Part of this survey would include: locations and first floor elevations of area structures such as houses, businesses, and industrial buildings; and surveying construction sites for flood protection projects.

#### General Requirements and Information

Firms interested in performing the required services for any of the above projects are invited to submit proposals. Responses are encouraged by small engineering firms,

socially/economically restricted businesses, and other engineering firms which have not previously performed work for the Department of Environmental Protection.

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 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 headquarters 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: Department of General Services, Bureau of Contract Administration and Business Development, Room 502, North Office Building, Harrisburg, PA 17125, telephone (717) 787-7380.

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.

Each proposal must include the firm's Federal identification number and the project reference number. Length of contract will be October 1, 1996 to December 31, 1997 with a renewal option of 1 additional year. All proposals will be subject to review by a Technical Review Committee.

The engineering and/or surveying firm shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments such as: transits, levels, electronic distance measuring devices, and all necessary support equipment. Also, all materials such as stakes, markers, field books, and the like shall be furnished by the selected firm.

All field notes shall be neatly and legibly recorded in standard survey field books. All notes shall be reduced appropriately prior to the books being turned over to the Department.

Prospective firms should submit a brief statement of previous survey work including the experience of the individual survey crew members. Also, submit a list of your current project schedule or workload with estimated manhours and completion dates for each job. Headquarters locations of your survey crews (where travel time begins) by Municipality and County should be included with your proposal.

In addition to the proposal, a single sealed copy of the hourly rate schedule shall be submitted. The schedule shall include a rate per hour for a two-person survey crew fully equipped; a rate per hour for a three-person survey crew fully equipped; a rate per hour for an office technician to reduce field notes; a rate per hour for a draftsman to draw contour plans; and a rate per hour for a crew chief to meet at project sites with Department engineers to discuss the actual work required. Such copy shall be in a sealed envelope clearly identified as to its contents. The contents of this envelope will be opened after the Technical Review Committee submits its report to the Director, Bureau of Flood Protection Projects.

Travel and subsistence payment will be in accordance with the Commonwealth's Travel and Subsistence Reimbursement Rules and Regulations, as amended.

The following factors will be considered during evaluation of the firm's proposal. Maximum weights for each major criterion have been established by the Department. The subparagraphs shown below are for the guidance of the readers only and are not to be assigned quantitative weight.

A. Specialized experience and technical competence of firm.

B. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

C. The specific experience of individuals who will be assigned to the project.

D. Current workload and capacity of firm to perform the work within the time limitations.

E. Socially/Economically Restricted Business Participation as outlined in Paragraph 3.10 of Commonwealth Management Manual M215.1.

F. Costs of surveying services.

Each proposer shall relate their proposal to the above criteria.

Three copies of the Proposal and a single sealed copy of the hourly rate schedule must be deposited in the Department of Environmental Protection; Attn. Larry E. Oliver, Acting Director, Bureau of Flood Protection Projects; Room 116, Executive House; 101 S. Second Street, Harrisburg, PA 17101-2513; prior to 12 noon on Monday, September 9, 1996. Firms may submit proposals for both areas, Eastern and Western Pennsylvania. If a firm is selected for one area it will not be selected for the other area. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Proposals submitted, cancel the solicitation requested under this notice and/or re-advertise solicitation for this service.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1382. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Sewage Advisory Committee Meeting

The Sewage Advisory Committee will meet September 18, 1996, from 10 a.m. to 4 p.m. in Room G-50 of the Forum Building, Commonwealth and Walnut Streets, Harrisburg.

Questions concerning the agenda can be directed to Milton Lauch at (717) 787-3481 or e-mail at Lauch.Milton@a1.dep.state.pa.us. The agenda is also available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Milton Lauch directly at (717) 787-3481 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1383. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Cancellation of Bid Date

The Department of General Services has cancelled the receipt of sealed bids for the following projects:

**Project No. DGS 948-12R PH 5 PT K.** Renovation/Restoration, Third Floor—East Center Wing, Main Capi-

tol Building, Capitol Complex, Harrisburg, Dauphin County, PA.

**Project No. DGS 948-35 PH 1 PT H.** Fire Safety Code Improvements, Third Floor—East Center Wing, Main Capitol Building, Capitol Complex, Harrisburg, Dauphin County, PA.

**Project No. DGS 948-37 PH 2 PT A.** Expansion of Central Air Conditioning System to Main Capitol Complex, Third Floor—East Center Wing, Main Capitol Building, Capitol Complex, Harrisburg, Dauphin County, PA.

It is anticipated these projects will be advertised for bids at a future date.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-1384. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Certificates of Need; Public Meeting Rescheduled

*CON-95-F-2424-B:* The Department of Health has rescheduled the public meeting on the proposal by Centre Community Hospital, 1800 East Park Avenue, State College, PA. The applicant proposes to establish a 16-bed hospital-based skilled nursing facility (HB/SNF) through the conversion of acute care beds, at an estimated cost of \$1,050,134.

*CON-95-I-0581-C:* The Department of Health has rescheduled the public meeting on the proposal by Horizon Hospital System, 100 North Main Street, Greenville, Mercer County, PA. The applicant proposes a change in scope to a previously approved low-risk adult diagnostic cardiac catheterization service at Horizon Hospital System, Greenville Division. There will be no additional capital cost.

Centre Community Hospital public meeting will begin at 1 p.m., and Horizon public meeting will begin at 9 a.m., Monday, September 16, 1996, in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The meeting is subject to cancellation without further notice.

Notice is published in accordance with section 704(b) of the Health Care Facilities Act (35 P. S. § 448.704(b)).

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1385. Filed for public inspection August 23, 1996, 9:00 a.m.]

### MVP Health Plan; Certificate of Authority

On July 30, 1996, MVP Health Plan filed with the Departments of Health and Insurance, an application for a Certificate of Authority to establish, operate and maintain a health maintenance organization in accordance with the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health HMO Regulations (28 Pa. Code §§ 9.1—9.97) and the Insurance Department's HMO Regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant involves the Lackawanna, Luzerne, Susquehanna, Wayne and Wyoming counties.

A copy of the application is available for public inspection, within 30 days of the publication of this notice by appointment only, at the following locations: Department of Health, Bureau of Health Care Financing, Room 1030 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5193; or Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Interested parties are invited to submit written comments, suggestions or objections to Allan J. Mercik, Department of Health or Carolyn Smith, Department of Insurance at the above listed addresses. Persons with a disability may submit comments, suggestions and objections in alternative formats, such as by audio tape, braille or using the Department of Health's TDD; (717) 783-6514. Persons with a disability who require alternative arrangements to enable their inspection of the application should contact either Allan Mercik or Carolyn Smith.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1386. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c) and 704(a) and (b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c) and 448.704(a) and (b)).

*CON-96-I-8705-D:* Forestview Skilled Nursing Facility, 2301 Edinboro Road, Erie, PA. Cost increase of \$1,200,000 for the completion of the previously approved nursing facility.

*CON-96-H-2692-B:* Ohio Valley General Hospital, Heckel Road, McKees Rock, PA. Conversion of acute care beds to a 25 bed hospital based skilled nursing unit, at an estimated cost of \$1,199,510.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning August 24, 1996. Any interested person, as defined in section 103 of the Health Care Facilities Act (35 P. S. § 448.103), may request a public meeting. The requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the Health Care Facilities Act (35 P. S. § 448.506(a)), regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, Pennsylvania. Ohio Valley General Hospital public meeting will begin at 3 p.m., Monday, September 16, 1996. Persons requiring an accommodation due to a disability and want to attend a meeting, please

contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,  
Secretary

[Pa.B. Doc. No. 96-1387. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania 3 Wishes 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 3 Wishes.

2. *Price:* The price of a Pennsylvania 3 Wishes instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania 3 Wishes instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$1<sup>00</sup> (ONE), \$3<sup>00</sup> (THREE), \$6<sup>00</sup> (SIX), \$9<sup>00</sup> (NINE), \$18\$ (EIGHTEEN), \$24\$ (TWOEN-FOR), \$33\$ (THR-THR), \$99\$ (NIN-NIN) and \$300 (THR HUN). The bonus play symbols and their captions located in the "Bonus Lamp" area are: Lamp Symbol (LAMP) and Keystone Symbol (TRY AGAIN).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$3, \$6, \$9, \$18, \$24, \$33, \$99, \$300 and \$3,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 8,583,600 tickets will be printed for the Pennsylvania 3 Wishes instant lottery game.

#### 6. *Determination of Prize Winners:*

(a) Holders of tickets with a Lamp Symbol (LAMP) bonus play symbol in the "Bonus Lamp" area, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets with three matching play symbols of \$300 (THR HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with three matching play symbols of \$99\$ (NIN-NIN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$99.

(d) Holders of tickets with three matching play symbols of \$33\$ (THR-THR) in the "Play Area" on a single ticket, shall be entitled to a prize of \$33.

(e) Holders of tickets with three matching play symbols of \$24\$ (TWOEN-FOR) in the "Play Area" on a single ticket, shall be entitled to a prize of \$24.

(f) Holders of tickets with three matching play symbols of \$18\$ (EIGHTEEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$18.

(g) Holders of tickets with three matching play symbols of \$9<sup>00</sup> (NINE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$9.

(h) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX) in the "Play Area" on a single ticket, shall be entitled to a prize of \$6.

(i) Holders of tickets with three matching play symbols of \$3<sup>00</sup> (THREE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play 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).

(l) A prize will be paid only for the highest Pennsylvania 3 Wishes 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).

#### 7. *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 3 Wishes 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
Consolation 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 wheel 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 shall 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:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,583,600 Tickets</i>
3-Free	One Free Ticket Plus Entry	1:6	1,430,600
3-\$1	\$1	1:10	858,360
3-\$3	\$3	1:80	107,295
3-\$6	\$6	1:200	42,918
3-\$9	\$9	1:200	42,918
3-\$18	\$18	1:300	28,612
3-\$24	\$24	1:300	28,612
3-\$33	\$33	1:14,306	600
3-\$99	\$99	1:42,918	200
3-\$300	\$300	1:214,590	40
Lamp Symbol	\$3,000	1:536,475	16

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania 3 Wishes 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 3 Wishes 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 3 Wishes, prize money on winning Pennsylvania 3 Wishes 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 3 Wishes, 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 3 Wishes or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-1388. Filed for public inspection August 23, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Access Route Approval

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 2004 (Luzerne County)	From PA 309 (Exit 3) to U. S. 11	5.8
U. S. 11 (Luzerne County)	From S. R. 2004 to S. R. 2006	0.3
S. R. 2006 (Luzerne County)	From U. S. 11 to the Bevaco Foods Terminal	1.4
S. R. 2059 (Luzerne County)	From I-81 (Exit 49) to PA 315 N	0.7
PA 315 (Luzerne County)	From S. R. 2059 to U. S. 11	0.3
U. S. 11 (Luzerne County)	From PA 315 to S. R. 2021	1.9
S. R. 2021 (Luzerne County)	From U. S. 11 to S. R. 2024	1.8
S. R. 2024 (Luzerne County)	From S. R. 2021 to S. R. 2004	0.8
S. R. 2004 (Luzerne County)	From S. R. 2024 to U. S. 11	0.7

Approved April 25, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
6th Street (Luzerne County)	From U. S. 11 to the Aaron Products, Inc. Terminal	0.2

Approved May 2, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 4040 (Lancaster County)	From PA 501 to West End Drive.	5.3
West End Drive (Lancaster County)	From S. R. 4040 to Ditz Drive.	0.1
East End Drive (Lancaster County)	From S. R. 4040 to Ditz Drive	0.1
Ditz Drive (Lancaster County)	From East End Drive to West End Drive.	0.3

Approved April 1, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From U. S. 15 to Heinz Street	3.5

This approval revises PA 114 to an approval from U. S. 15 to I-81 (Exit 18)—a distance of 7.1 miles.

Approved February 27, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer).

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
U. S. 11 (Luzerne County)	From PA 29 to Erie Avenue	12.2
S. R. 1027 (Luzerne County)	From U. S. 11 to PA 92	0.9
PA 92 (Luzerne County)	From S. R. 1027 to S. R. 1010	0.3
S. R. 1010 (Luzerne County)	From PA 92 to Keystone Warehouse #2	0.4
Erie Avenue (Luzerne County)	From U. S. 11 to Susquehanna Avenue	0.3
Susquehanna Avenue (Luzerne County)	From Erie Avenue to Pride Health Care Terminal	0.2
Welles Street (Luzerne County)	From PA 309 (Exit 4) to U. S. 11	0.7
Stevens Lane (Luzerne County)	From S. R. 1027 to the Gemark Terminal	0.3

Approved March 21, 1996

The following municipality approved the access route within its jurisdiction:

Upper Mt. Bethel Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 611 (Northampton County)	From the Portland-Columbia Toll Bridge to the Formica Facility. Truck height restricted to 13'-2".	3.0
PA 512 (Northampton County)	From PA 611 to Wildon Terrace	3.2

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
Wildon Terrace (Northampton County)	From PA 512 to the Formica Facility.	0.1

Approved April 1, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 49 (Potter County)	From U. S. 6 to the Tioga County Line	28.2

Approved March 13, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 1024 (Berks County)	From U. S. 222 to Jefferson St.	2.7
Jefferson St. (Berks County)	From S. R. 1024 to the East Penn Mfg. Co. Warehouse in Topton.	0.1
S. R. 1010 (Berks County)	From the East Penn Mfg. plant in Lyons to Haas Street.	3.9
Haas Street (Berks County)	From S. R. 1010 to S. R. 1031.	0.4
S. R. 1031 (Berks County)	From Haas Street to the East Penn Mfg. Warehouse.	0.2

Approved May 8, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

The following municipalities approved the access routes within their jurisdictions:

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
	Mechanicsburg Borough	
	Silver Spring Township	
PA 114 (Cumberland County)	From U. S. 15 to Pleasant View Drive.	4.1
PA 641 (Cumberland County)	From PA 581 to West Church Road.	4.6
West Church Road (Cumberland County)	From PA 641 to the entrance to Fry Communications.	0.1
Pleasant View Drive (Cumberland County)	From PA 114 to the entrance to Fry Communications.	0.2

Approved February 27, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer).

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 18 (Washington County)	From the Beaver County Line to U. S. 22.	3.9
PA 18 (Washington County)	From S. R. 4008 to S. R. 4020.	15.2

PA 18 is now approved from the Beaver County Line to I-70 (Exit 6).

Approved May 8, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 48' long trailer.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 18 (Beaver County)	From Washington County Line to S. R. 3016.	13.2

Approved May 8, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 116 (Adams County)	From PA 16 to U. S. 30	12.2

Approved May 8, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 1025 (Luzerne County)	From U. S. 11 to the Mar-Val Industries Terminal.	0.4

Approved April 25, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 18 (Beaver County)	From I-76 (Exit 2) to PA 588	3.8
PA 588 (Beaver County)	From PA 18 to PA 65	3.0
PA 65 (Beaver County)	From PA 588 to Hamilton Storage Terminal	0.7

Approved April 25, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access route for use by the following types of truck combinations: 102" wide twin trailers (28 1/2' maximum length per trailer).

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
U. S. 30 (Adams and York Counties)	From Beverage Transportation, Inc., to PA 94.	11.8

This approval supplements a previous approval for this section of highway allowing the operation of 102" wide 48' long trailers.

Approved April 16, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved the following access route for use by the following types of truck combinations: 96" wide 48' long trailer, maximum combined length of 70 feet.

Route Identification	Route Description	Length (Miles)
PA 120 (Clinton and Cameron Counties)	From PA 155 to PA 144 in Renovo	47.0

Approved May 2, 1996

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation revokes the following access routes for use by the following types of truck combinations: 102" wide twin trailers (28 1/2' maximum length per trailer).

Route Identification	Route Description	Length (Miles)
PA 234 (Adams and York Counties)	From PA 94 to PA 462 in York.	14.2
PA 194 (Adams and York Counties)	From PA 234 to U. S. 30	3.4

Revoked April 16, 1996

The effective date of this revocation shall be 15 days following the publication of this notice in the *Pennsylvania Bulletin*.

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation revokes the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

Route Identification	Route Description	Length (Miles)
PA 772 (Lancaster County)	From Pa 283 to PA 72.	5.2
S. R. 4040 (Lancaster County)	From PA 72 to PA 501.	5.5
PA 772 (Lancaster County)	From PA 501 to U. S. 222.	6.0
East End Drive (Lancaster County)	From S. R. 4040 to Ditz Drive.	0.1
West End Drive (Lancaster County)	From S. R. 4040 to Ditz Drive.	0.1
Ditz Drive (Lancaster County)	From East End Drive to West End Drive.	0.3

Revoked April 1, 1996

The effective date of this revocation shall be 15 days following publication of this notice in the *Pennsylvania Bulletin*.

Comments, suggestions or questions may be directed to James Weakland, Truck Access Manager, Room 1014 Transportation and Safety Building, Harrisburg, PA, 17120, telephone (717) 787-7445.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1389. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Application for Lease of Right-of-Way**

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Calabria's Restaurant, of 1230 Grove Road, Castle Shannon, PA 15234, seeking to lease highway right-of-way located at the intersection of Library Road and Sixth Street, in the Borough of Castle Shannon, Allegheny County containing 1,000 sq. ft. ± adjacent to SR 0088 Section 40M, for purposes of vehicle parking and landscaping. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Henry M. Nutbrown, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1390. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Application for Lease of Right-of-Way**

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by the City of McKeesport of 201 Lysle Boulevard, McKeesport, PA 15132, seeking to lease highway right-of-way located along the Walnut Street Corridor between 13th Street and the newly constructed 15th Street (McKeesport—Port Vue) Bridge in the City of McKeesport, Allegheny County, 102,627 sq. ft. or 2.356 acres ± adjacent to SR 2096 Section 004, for purposes of accommodating the City's participation in the National Rail to Trails project. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Henry M. Nutbrown, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property



Manager, 45 Thoms Run Road, Bridgeville, PA 15017,  
(412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1391. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Cardello Associates of 701 Chateau Street, Pittsburgh, PA seeking to lease highway right-of-way located beneath the West End Bridge between Ridge Avenue and Reedsdale Street, in the City of Pittsburgh, Allegheny County, consisting of 48,948 sq. ft. or 1.12 acres  $\pm$ , adjacent to S. R. 8045 (L. R. 1039) Section B04, for purpose of vehicle parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Henry M. Nutbrown, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1392. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Sidney Simon of 31 Croftcourt, Pittsburgh, PA 15235, seeking to lease highway right-of-way located along the westerly right-of-way for State Route 286 at 1813 Golden Mile Highway, Plum Borough, Allegheny County containing 5,900 square feet  $\pm$  adjacent to SR 0286 (L. R. 01234) Section 002, for purposes of vehicle parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Henry M. Nutbrown, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1393. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Charles G. McClintock, dba McClintock Properties of 3984 Hazelwood Drive, Monroeville, PA 15146, seeking to lease highway right-of-way located along the easterly right-of-way for State Route 286 at 1910 Golden Mile Highway, Plum Borough, Allegheny County containing 3,600 square feet  $\pm$  adjacent to SR 0286 (L. R. 01234) Section 002, for purposes of vehicle parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Henry M. Nutbrown, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1394. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Ken Cotton (Holiday Park Garden Center) of 1918 Route 286, Plum Borough, PA 15239, seeking to lease highway right-of-way located along the easterly right-of-way for State Route 286 at 1918 Golden Mile Highway, Plum Borough, Allegheny County containing 18,509 square feet  $\pm$  adjacent to SR 0286 (L. R. 01234) Section 002, for purposes of vehicle parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Henry M. Nutbrown, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1395. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Bureau of Driver Licensing; Implementation of Commercial Driver Licensing Test Procedures

Under Act 115-96, passed into law on July 11, 1996, the Department of Transportation is publishing the test pro-

cedures as required by 75 Pa.C.S. § 1607A (relating to commercial driver's license qualification standards):

*(Editor's Note: Pursuant to section 27 of Act 96, 67 Pa. Code §§ 75.25—75.28 (Pa. Code serial pages (198279) to (198286) are deleted upon publication of the following testing procedures.)*

### **Commercial Driver Licensing Testing Procedures**

#### *Overview:*

Driving examination for commercial driver's license.

(a) *General.* In addition to the knowledge examination an applicant for a commercial driver's license shall submit to a driving examination. The driving examination for a commercial driver's license shall be conducted in a test vehicle of the type or class the applicant desires to be licensed to operate. The applicant shall pass the following three parts of the examination:

- (1) A vehicle safety inspection.
- (2) A basic control skills test.
- (3) An on-road driving test.

(b) *Content of driving examination.* The driving examination is composed of methods and procedures that enable the examiner to determine the ability of the applicant to drive the type or class of vehicle for which the applicant desires to be licensed.

#### **Section 1. Administration of vehicle safety inspection.**

(a) *General.* The vehicle safety inspection requires that an applicant complete a safety examination of the test vehicle.

##### (b) *Conduct of the inspection.*

(1) The applicant and examiner will perform a walk around safety examination of the test vehicle. The vehicle safety inspection shall consist of checking:

- (i) All exterior lighting and reflectors.
- (ii) The tires to ensure that they are in safe operating condition.
- (iii) The exterior mirrors.
- (iv) For major leaks (e.g. air brakes, fluid, coolant, fuel tank, etc.)

(2) The examiner will instruct the examinee to enter the vehicle and direct the examinee to operate the following controls:

- (i) Headlights (high/low beam) and marker lights
- (ii) Wipers/washers
- (iii) Turn signals
- (iv) Hazard warning lights (four ways)
- (v) Taillights
- (vi) Brakelights
- (vii) Horn/horns
- (viii) Emergency safety equipment

(3) The applicant will be required to complete an air brake check of the test vehicle, if the vehicle is so equipped. The applicant shall:

- (i) Locate and verbally identify air brake operating controls and monitoring devices.

(ii) Determine the motor vehicles brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured.

(iii) Inspect the low pressure warning device(s) to insure that they will activate in emergency situations.

(iv) Ascertain, with the engine running, that the system maintains an adequate supply of compressed air.

(v) Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level.

(vi) Operationally check the brake system for proper performance.

(4) In addition to the items in paragraphs (1), (2), and (3), the general condition of the following items shall be inspected and described by applicants who desire to be licensed to operate school buses only:

- (i) Passenger entry.
- (ii) Emergency exits.
- (iii) Seating.
- (iv) Eight-way light system, activation and explanation.

(5) In addition to the items in paragraphs (1), (2), and (3), the general condition of the following items shall be inspected and described by applicants who desire to be licensed to operate coaches and transit buses:

- (i) Passenger entry.
- (ii) Emergency exits.
- (iii) Seating.

(c) *Scoring/Failure criteria.* The applicant will be given one point for each item that is correctly inspected and described. The following values apply to passing or failing the vehicle safety inspection.

- (1) Automatic failures:
  - (i) Failure to attempt the air brake test, if the vehicle is so equipped.
  - (ii) Failure to correctly perform the eight-way light inspection on a school bus.

Scoring the Vehicle Safety Inspection test:

One (1) point will be scored for the following if done correctly:

- (a) Headlights (high/low beam)
- (b) Wipers/washers
- (c) Turn signals
- (d) Hazard warning lights (four ways)
- (e) Taillights
- (f) Brakelights
- (g) Horn/Horns
- (h) Emergency safety equipment

School Bus only:

- (i) Axe/Pry bar
- (j) First aid kit

Air Brake only:

- (k) Leak test
- (l) Low air warning devices
- (m) Emergency brake activation

(n) Air pressure build up

Total Points: Class A, B, C, CDL, 8 (12 with air brakes)  
School Bus 10 Passing Score: 6 (with air brakes 10)  
School Bus 8

### Section 2. Administration of basic control skill test.

(a) *General.* In addition to the vehicle safety inspection, the basic control skills test will be administered to an applicant for a commercial driver's license. This test evaluates the applicant's ability and judgment to safely operate a commercial motor vehicle.

(b) *Content of test.* The basic control skills test is composed of methods and procedures which enable the examiner to determine the applicant's ability to control the vehicle and judge the position of the vehicle in relationship to other objects. The test will be administered in one of the forms described in paragraphs (1)—(4). The test will be conducted on an on-road or off-road test site. The examiner will select which form to use based on the layout of the test site.

(1) *Form 1.* Straight line backing, alley docking, sight-side parallel parking and conventional parallel park.

(2) *Form 2.* Right turn, alley docking, conventional parallel parking and backward serpentine.

(3) *Form 3.* Straight line backing, alley docking, conventional parallel parking and backward serpentine.

(4) *Form 4.* Straight line backing and one of the following: alley docking, backward serpentine, conventional parallel parking or sight-side parallel parking.

(c) *Scoring/failure criteria.* Scoring in the basic control skills test will be based on pullups, encroachments and final vehicle positioning. Each time an applicant stops and reverses direction to get a better position, it is scored as a pullup. If an applicant touches or crosses over an exercise boundary standard with any part of the vehicle, it is scored as an encroachment. The following values apply to passing or failure of the basic control skills test:

(1) *Automatic failures.*

(i) Refusal to obey instruction of the examiner.

(ii) Refusal to attempt a maneuver when instructed to by the examiner.

(iii) Offering bribe or gratuity to the examiner.

(iv) Cheating, fraud, or misrepresentation.

(v) Permit violation.

(vi) Commercial endorsement violation.

(vii) Commercial restriction violation.

(viii) Medical restriction violation.

(2) *Minimum passing scores for Forms 1 through 4:*

(i) Form 1-16 errors or less.

(ii) Form 2-14 errors or less.

(iii) Form 3-12 errors or less.

(iv) Form 4-4 errors or less.

### Section 3. Administration of on-road-driving test.

(a) *General.* In addition to the vehicle safety inspection and the basic control skills test, an applicant for a commercial driver's license shall submit to an on-road driving test.

(b) *Contents of test.* The on-road driving test is to evaluate the applicant's ability to operate a commercial motor vehicle safely in most on-road conditions, and is

administered behind the wheel over a predetermined route on which the applicant shall perform one or more of the following maneuvers:

(1) Driving and demonstrating lane changes in traffic.

(2) Driving and executing left and right turns.

(3) Driving on curves and demonstrating turning.

(4) Driving and demonstrating expressway merging, lane changes and exit.

(5) Demonstrating driving ability at intersection or railroad crossing, or both.

(6) Demonstrating ability to start and stop on grade.

(7) Driving on an up grade and down grade.

(8) Driving on a bridge or through an underpass, or both.

(9) Demonstrating general driving behavior.

(c) *Scoring/failure criteria.* The applicant's score on the on-road test will be based on the number of errors committed during the test. An accumulation of 26 or more errors constitutes a failed test. In addition, the following faults constitute automatic failure of the on-road driving test:

(1) Failure to obey traffic laws.

(2) Culpability for an accident during the test.

(3) Failure to perform the simulated steep down-grade maneuver at the basic control skills test site properly.

(4) Refusal to obey instructions of the examiner.

(5) Refusal to attempt a maneuver when instructed to by the examiner.

(6) Offering bribe or gratuity to the examiner.

(7) Cheating, fraud or misrepresentation.

(8) Permit violation.

(9) Commercial endorsement violation.

(10) Commercial restriction violation.

(11) Medical restriction violation.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1396. Filed for public inspection August 23, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Penreco, Division of Pennzoil Products Company  
v. DEP; EHB Doc. No. 95-243-R**

The Department of Environmental Protection (Department) and Penreco, Division of Pennzoil Products Company (Penreco), have entered into a Consent Adjudication in settlement of the above-referenced action. This matter arose when Penreco appealed the Department's reissuance of NPDES Permit No. PA0002135 on September 29, 1995, for Penreco's Karns City Facility.

The Consent Adjudication contains the following terms and obligations:

The Department will modify Penreco's NPDES permit as reflected by the modified effluent limitations and

conditions set forth in the amended NPDES permit attached to the Consent Adjudication as Exhibit A. The major changes include the addition of a toxics reduction evaluation (TRE) condition in Part C of the amended permit for the parameters of aluminum, iron, copper and lead; an adjustment to the Schedule of Compliance in Part A of the amended permit for meeting temperature limitations; and some miscellaneous adjustments to certain discharge limitations and monitoring requirements for various outfalls in Part A of the amended permit. All of the changes in the amended permit may be ascertained by comparing the appealed NPDES permit with the amended NPDES permit attached to the Consent Adjudication as Exhibit A.

Copies of the full Consent Adjudication and the amended NPDES permit attached as Exhibit A are in the possession of:

Matthew L. Wolford, Acting Regional Counsel, Department of Environmental Protection, Northwest Regional Counsel, 230 Chestnut Street, Meadville, PA 16335-3481;

Kevin J. Garber, Esq., Reed Smith Shaw & McClay, 435 Sixth Avenue, Pittsburgh, PA 15219-1886;

and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

Persons 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.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely made.

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 (800) 654-5984.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1397. Filed for public inspection August 23, 1996, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Cancellation of Meeting

The September 17, 1996, Environmental Quality Board meeting has been cancelled. The next meeting is scheduled for October 15, 1996, in the First Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

JAMES M. SEIF,  
*Chairperson*

[Pa.B. Doc. No. 96-1398. Filed for public inspection August 23, 1996, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations

The Executive Director of the Fish and Boat Commission, under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), is taking action to modify temporarily 58 Pa. Code § 65.24 (miscellaneous special regulations) as it pertains to the Little Juniata River, Blair and Huntingdon Counties. This regulation, as published at 26 Pa.B. 2995 (June 29, 1996), raises questions regarding the minimum size and creel limits on Labor Day for that portion of the Little Juniata River from the railroad bridge at the east (downstream) border of Ironville downstream to the mouth. Therefore, the Commission would like to make it clear that during the period from the opening day of the regular trout season through midnight Labor Day, the minimum size limit is 14 inches and the daily creel limit is two trout (combined species).

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-1399. Filed for public inspection August 23, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, August 8, 1996, and took the following actions:

#### *Regulations Approved:*

Department of Revenue #15-369: Payments by Electronic Funds Transfer (amends 61 Pa. Code § 5.3)

*(Editor's Note:* For the text of the regulations pertaining to this order, see 26 Pa.B. 4089 (August 24, 1996).)

Department of Public Welfare #14-435. Nursing Facility Intergovernmental Transfer (amends 55 Pa. Code Chapter 1181)

*(Editor's Note:* For the text of the regulations pertaining to this order, see 26 Pa.B. 4086 (August 24, 1996).)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public Meeting held  
August 8, 1996

*Department of Revenue; Treasury Department—Payments by Electronic Funds Transfer; Doc. No. 15-369*

#### Order

On July 9, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue and the Treasury Department (Departments). This rulemaking updates 61 Pa. Code

§ 5.3 relating to payments required to be paid by electronic funds transfer under the authority of section 9 of the act of April 9, 1929 (72 P. S. § 9). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

In 1992, the Secretary of Revenue and the State Treasurer jointly adopted a regulation relating to payments by electronic funds transfer. A taxpayer may satisfy their obligation to remit a payment by electronic fund transfer by delivering a certified or cashier's check, in person or by courier with the appropriate return or deposit statement to the Department of Revenue. However, late in 1994, the Department of Revenue relocated the Bureau of Receipts and Control.

The Department of Revenue relocated the Bureau of Receipts and Control from the fourth floor to the ninth floor of Strawberry Square in Harrisburg. Therefore, the address under section 5.3(e) needs to be amended to reflect the new correct address for making electronic fund transfers.

In order to assist taxpayers with this transition, an announcement setting forth the address change was mailed in March 1995, to all taxpayers who have pre-registered to submit payments by certified or cashier's check.

We have reviewed this regulation and find it to be in the public interest. In view of the fact that the regulation currently contains an incorrect address, this regulation should be adopted to include the correct address.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-369 from the Department of Revenue and Treasury Department, as submitted to the Commission on July 9, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public Meeting held  
August 8, 1996

*Department of Public Welfare—Nursing Facility Intergovernmental Transfer; Doc. No. 14-435*

**Order**

On July 22, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (DPW). The DPW amended the original final-omitted rulemaking on July 30, 1996. This rulemaking would amend 55 Pa. Code Chapter 1181. The authority for this regulation is contained in section 443.1 of the Public Welfare Code (62 P. S. § 443.1). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Federal law allows states to use funds transferred from public entities, such as county governments, to qualify as the State's share of funding for Medicaid services. This money is matched by the Federal government. The DPW has entered into an intergovernmental transfer agreement for fiscal year 1995-1996 with a group of county governments. As a result of this agreement, the DPW has been able to get additional Federal funds to use to reimburse nursing homes. Through discussions with the

county nursing homes, an agreement was made as to how these additional funds should be distributed.

This regulation codifies where the DPW has provided for increase payments for nursing home services. The regulation is retroactive to July 1, 1995, and only effective until December 31, 1995. The December 31, 1995, ending date corresponds to the expiration date of the DPW's retrospective payment system for nursing homes. On January 1, 1996, the DPW began reimbursing nursing homes under its new prospective reimbursement system, commonly referred to as case-mix. The DPW will be doing another rulemaking that implements the remainder of the intergovernmental transfer agreement effective for the period of January 1, 1996, to June 30, 1996.

The regulation results in additional payments to all nursing homes participating in the Medicaid program. The additional funds are derived from Federal funds and no State monies are used. The amount of additional payment will approximate the amount of the intergovernmental transfer agreement which was \$395 million for fiscal year 1995-96. Since this regulation is only effective for the first half of fiscal year 1995-96, only a portion of the \$395 million is expended as a result of the regulation.

We have reviewed this regulation and find it to be in the public interest. The rulemaking is necessary to make the DPW's regulations accurately reflect how it reimburses nursing homes in the Medicaid program. We encourage the DPW to proceed with its companion rulemaking that will codify the provisions of the intergovernmental transfer agreement for the January 1, 1996, through June 30, 1996 time period in an expeditious manner.

*Therefore, It Is Ordered That:*

1. Regulation No. 14-435 from the Department of Public Welfare, as submitted to the Commission on July 22, 1996, and amended on July 30, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1400. Filed for public inspection August 23, 1996, 9:00 a.m.]

**Notice of Filing of Final-Form Rulemakings**

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations 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 a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-307	Department of Transportation Vehicle Equipment and Inspection	8/13/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1401. Filed for public inspection August 23, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Capital Blue Cross; Pennsylvania Blue Shield; Amendatory Rider Incorporating the Out-of-Area Claims Program, "BlueCard," into the Individual Account and Group Contracts; Filing No. 96-X

By filing no. 96-X, Capital Blue Cross and Pennsylvania Blue Shield propose to amend group and individual account contracts to include the BlueCard Program. The BlueCard Program allows members to receive covered services from participating providers located outside the geographic area served by the plan. The BlueCard Program will provide covered services typically at the lower of the provider's billed charges or the negotiated rate the plan pays the local Blue Cross and/or Blue Shield plan. This filing consists of six pages. Please refer to Filing I. D. No. 9608080009001.

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. 96-1402. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Delta Dental of Pennsylvania; Proposed Rider to Schedule II of Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. R-59

Delta Dental of Pennsylvania has submitted a proposed rider, Form R-59, to its Dental Service Contract MC-3 which would allow a group to have both a high and low procedural maximum program in place, with applicable benefits determined subject to an examination requirement in the preceding benefit period. Delta Dental has also submitted the rating information for the proposed rider. This filing consists of two pages. Please refer to Filing I. D. No. 9608120005001.

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. 96-1403. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Delta Dental of Pennsylvania; Proposed Rider to Schedule II of Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. R-60

Delta Dental of Pennsylvania has submitted a proposed rider, Form R-60, to its Dental Service Contract MC-3 which would allow for an extended waiting period for major, prosthodontic and orthodontic services. Delta Dental has also submitted the rating information for the proposed rider. This filing consists of two pages. Please refer to Filing I. D. No. 9608120006001.

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. 96-1404. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Delta Dental of Pennsylvania; Proposed Rider to Schedule II of Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. R-61

Delta Dental of Pennsylvania has submitted a proposed rider, Form R-61, to its Dental Service Contract MC-3 which would extend coverage for topical fluoride treatment beyond age 19 if the dependent is a full-time student. Delta Dental has also submitted the rating information for this proposed rider. There is no rate impact for the proposed rider. This filing consists of two pages. Please refer to Filing I. D. No. 9608120004001.

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. 96-1405. Filed for public inspection August 23, 1996, 9:00 a.m.]

## Deregulation of Life Insurance Forms

The Insurance Commissioner hereby deregulates certain life insurance and annuity forms, as authorized by section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b) and by sections 404(f) and 615 of the Fraternal Benefit Societies Code (40 P. S. §§ 1142-404(f) and 1142-615), as set forth in Annex A.

*Statutory Authority*

Section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b) requires that all policy forms for life insurance and annuities, and other lines of business, be submitted to the Insurance Commissioner for prior approval before issuance to any consumer in the Commonwealth. However, that law gives the Commissioner express authority to exempt forms from the prior approval requirement. The review and approval of such forms issued by Fraternal Benefit Societies is governed by 40 P. S. § 1142-404(f), which provides that such forms shall be filed in the manner provided for like policies issued by life, accident and health insurers under section 354. Accordingly, the Commissioner hereby exempts from filing or prior approval the forms for the lines of business listed in Annex A.

*Insurers Subject to the Filing Requirement*

Section 354 applies to insurance companies, associations and exchanges, which terms are defined at section 101 of The Insurance Company Law (40 P. S. § 361). Additionally, the Fraternal Benefit Societies Code (40 P. S. § 1142-101-702) incorporates by reference the general provision laws, including section 354, that relate to the review and approval of policy forms. Therefore, this notice of deregulation of life and annuity forms also applies to fraternal benefit societies. Section 354 does not regulate the approval of Credit Insurance forms and, therefore, these are not affected by the deregulation herein.

*Forms Which Are Not Deregulated*

The Commissioner's action to deregulate certain group forms does not extend to the following:

Group universal and group variable life policies and certificates and all riders, amendments, endorsements and applications used with them;

Individual retirement annuity (IRA) group annuity policies and certificates and all riders, amendments, endorsements and applications used with them;

Synthetic guaranteed investment contracts and certificates and all riders, amendments, endorsements and applications used with them; and

Group annuity policies issued to policyholders other than employers, trustees of employer funds, labor unions, police fraternities, firemen's fraternities, teachers' associations or federations, multiple employer trusts, labor union trusts, association trusts, associations, or trustees of collective trusts. All certificates, riders, amendments, endorsements and applications used with the aforementioned group annuity policies.

Forms which include both regulated and deregulated lines of business must continue to be submitted for prior approval.

*Continuing Authority of the Commissioner*

Notwithstanding the implementation of this notice, the Commissioner will retain complete authority to request and be provided a copy of any form being issued in this Commonwealth, as provided by section 903 of The Insurance Department Act of 1921 (40 P. S. § 323.1 et seq.).

The Commissioner also will retain complete authority to reassume regulatory authority over the types of forms deregulated hereunder at her discretion.

Section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b) does not regulate guaranteed investment contracts without annuity provisions and funding agree-

ment contracts without annuity provisions. However, section 202 of The Insurance Company Law of 1921 (40 P. S. § 382) does not authorize life insurance companies to issue such contracts in the Commonwealth.

Notwithstanding the deregulation of the forms specified herein, all such forms must continue to comply with applicable Pennsylvania law including, but not limited to:

Uniform Policy Provisions (40 P. S. § 510)

Standard Nonforfeiture Law for Life Insurance (40 P. S. § 510.1)

Group Life Insurance Act (40 P. S. § 532.1 et seq.) Fraternal Benefit Societies Code (40 P. S. § 1142-401 through 405.)

*Effective Date*

This deregulation action is effective as of September 1, 1996.

*Questions*

Questions concerning this notice may be directed to Sally Engle, Director, Bureau of Life Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192.

**Annex A***Deregulated Life Insurance and Annuity Forms*

The Insurance Commissioner, by this notice, hereby deregulates the following lines of business under the authority of section 354 of The Insurance Company Law of 1921 (40 P. S. § 447b), effective September 1, 1996.

1) Individual Traditional Term Life policies (not including indeterminate premium, limited benefit,<sup>1</sup> modified premium<sup>2</sup> or single premium term life policies).

2) Individual Traditional Whole Life policies (not including interest sensitive, indeterminate premium, limited benefit<sup>1</sup> or modified premium<sup>2</sup> whole life policies).

3) Individual Traditional Endowment policies (not including interest sensitive, indeterminate premium or modified premium<sup>2</sup> endowment policies).

4) Individual Traditional Term Life riders (not including indeterminate premium, limited benefit<sup>1</sup> or modified premium<sup>2</sup> term life riders).

5) Individual Traditional Cost of Living, Guaranteed Purchase Option, Spouse Term, Child Term, Family Term, Other Insured, Dividend Additions, Business Exchange and Substitute Insured riders.

6) Individual Fixed Immediate Annuity policies, not including policies with market value adjustment or providing payments of interest only, and all riders, amendments and endorsements used with them.

7) Individual Annuity applications, except individual variable annuity applications.

8) Group Term Life policies and certificates. All riders, amendments, endorsements and applications used with them.

9) Group Whole Life policies and certificates (not including Universal Life policies and certificates). All riders, amendments, endorsements and applications used with them.

10) Group Annuity policies issued to employers, trustees of employer funds, labor unions, police fraternities, firemen's fraternities, teachers' associations or federa-

<sup>1</sup> Limited life insurance policies are defined at 31 Pa. Code § 87.12.

<sup>2</sup> Modified premium life insurance policies are defined at 31 Pa. Code § 87.13.

tions, multiple employer trusts, labor union trusts, association trusts, associations, or trustees of collective trusts. All certificates, riders, amendments, endorsements and applications used with them.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1406. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Prudential Property and Casualty Insurance Company; Private Passenger Auto

On August 5, 1996, the Insurance Department received from Prudential Property and Casualty Insurance Company a filing for a rate level and rules change for private passenger auto insurance.

The company requests an overall 5.0% increase amounting to \$7,972,583 increase annually, to be effective November 11, 1996.

Unless formal administrative action is taken prior to September 3, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Stephen Kcenich, Insurance Department, Bureau of Regulation of Rate and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1407. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Edmund N. Wilson; file no. 96-265-34190; Continental Casualty Company; doc. no. PH96-08-012; September 17, 1996, at 3 p.m.;

Appeal of Janine E. Vinci; file no. 96-215-32560; Infinity Insurance Company; doc. no. PH96-07-028; September 19, 1996, at 3 p.m..

Appeal of J. S. Bhandari; file no. 96-308-71714; Government Employees Insurance Company; doc. no. PI96-08-015; September 24, 1996, at 9 a.m.;

Appeal of Avone H. Magazine; file no. 96-264-32971; State Farm Insurance Company; doc. no. PH96-08-014; September 25, 1996, at 9 a.m.;

Appeal of Shawn Palladino; file no. 96-280-33979; Prudential Property & Casualty Insurance Co.; doc. no. PH96-08-010; September 25, 1996, at 2 p.m.;

Appeal of Sherman Washington, III; file no. 96-265-34133; Erie Insurance Company; doc. no. PH96-08-009; October 1, 1996, at 10 a.m.;

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1408. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurers have requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 95-121-01526; Tammy L. Danna Jones; doc. no. P96-04-041; October 1, 1996, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their design-



nated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1409. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Matthew J. Ferry; file no. 96-267-33799; Boyertown Mutual Insurance Company; doc. no. PH96-08-008; September 19, 1996, at 1 p.m.;

Appeal of Thomas D. Ambrosio; file no. 96-280-34355; Hartford Mutual Insurance Company; doc. no. PH96-07-031; September 19, 1996, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1410. Filed for public inspection August 23, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0277, 8050 McKnight Rd., Pittsburgh, PA 15237-5750.

*Lease Expiration Date:* January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of McKnight and Peebles Roads.

*Proposals due:* September 20, 1996, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Lancaster County, Wine & Spirits Shoppe #3615, 2090 Lincoln Highway East, Store #18, Lancaster, PA 17602.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 3,300 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Lincoln Highway East (Rt. 462) and Strasburg Pike in East Lampeter Township.

*Proposals due:* September 26, 1996, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Philadelphia County, Wine & Spirits Shoppe #5187, 450 N. 60th Street, Philadelphia, PA 19151.

*Lease Expiration Date:* November 30, 1996

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space bounded on the north by Girard Avenue, on the south by Chestnut Street, on the west by 63rd Street and on the east by 57th Street in the City of Philadelphia.

*Proposals due:* September 27, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5190, 7161 Ogontz Avenue, Philadelphia, PA 19138.

*Lease Expiration Date:* October 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commer-

cial space in Philadelphia, an area bounded by: north of Stenton Avenue, south of Cheltenham Avenue, east of Washington Lane, west of Broad Street.

*Proposals due:* September 27, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1411. Filed for public inspection August 23, 1996, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Code (53 Pa.C.S. §§ 881.101—881.501) (relating to Pennsylvania Municipal Retirement Board), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

September 16, 1996	Harold W. Murphy (Disability)	1:30 p.m.
September 30, 1996	Ruth I. Bowman (Retirement Benefit)	10:30 a.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Helen Willis at (717) 787-2065 to discuss how the Pennsylvania Municipal 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 16 Pa. Code § 91.1, (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 B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 96-1412. Filed for public inspection August 23, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Investigation of Flexible Ratemaking for the Bus and Limousine Industries; Doc. No. I-00960063

Public meeting held  
 June 6, 1996

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

### Order

*By the Commission:*

This matter arises from a motion we adopted at our June 6, 1996 public meeting. The motion resulted from a petition filed by the Pennsylvania Bus Association requesting tariff flexibility and from a rulemaking proceeding regarding limousine service. The motion called for an investigation into tariff flexibility within the limousine and bus industries.

In response to that motion, we are issuing this Order to initiate the investigation into tariff flexibility for the bus and limousine industries. As stated in the motion, that investigation will consider 1) the Commission's authority to set flexible rates for these industries; 2) flexible rates as they relate to unreasonable or unjust discrimination; 3) the possibility of setting a ceiling or maximum rate for carriers; and 4) the data required to support a tariff filing. We invite representatives from the industry and interested members of the public to comment on these issues. We encourage commentators to offer suggestions on how rates in these two industries may be set to best accommodate the public's needs. Comments should also address the appropriate level of Commission oversight of the tariff process for these industries.

Following receipt of the comments, the Bureau of Transportation and Safety will review same and prepare a report to the Commission; *Therefore,*

*It Is Ordered That:*

1. An investigation into tariff flexibility for limousine carriers and group and party carriers is initiated, consistent with this Order.
2. The Secretary shall serve this Order on all limousine carriers, group and party carriers, and passenger brokers certificated by this Commission.
3. The Secretary shall have this Order published in the *Pennsylvania Bulletin*.
4. Comments to this Order are due within 30 days of publication in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,  
*Secretary*

*Statement of Commissioner John Hanger*

The Chairman's Motion opens a proceeding to investigate rate flexibility for both the bus and limousine industry. The investigation is a good way to satisfy the Pennsylvania Bus Association's concerns and introduce some needed rate flexibility for bus and limousine companies.

Over the last 5 or more years the Commission has rarely, if ever, denied or suspended a rate increase tariff. This record indicates that it is time to reduce the

regulatory burden in this area. Consequently, the Commission should proceed quickly with the investigation on rate flexibility for the bus and limousine industries.

[Pa.B. Doc. No. 96-1413. Filed for public inspection August 23, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**A-00113150. Department of Transportation.** An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The application requests the approval of the alteration of the crossing where State Route 022 (Traffic Routes 22 and 322) crosses below-grade the tracts of Consolidated Rail Corporation in Dauphin Borough, Dauphin County, and the allocation of costs and expenses incident thereto.

An initial hearing upon this proceeding will be held Thursday, October 3, 1996, at 10 a.m., in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, when persons may appear and be heard.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1414. Filed for public inspection August 23, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**C-00967770. Township of Franklin.** A complaint has been made to the Pennsylvania Public Utility Commission (Commission), under the provisions of Public Utility Code. The complaint requests the Commission require CSX Transportation Inc., restore the crossing in Franklin Township where the railroad transportation line crosses Narrow Road, Township Road designated T-645 at a point near property owned by Zachary L. Sockaci, located in Beaver County, as the removal of the crossing presents a clear and present danger to the public.

An initial public hearing upon this proceeding will be held Thursday, October 3, 1996, at 10 a.m., in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1415. Filed for public inspection August 23, 1996, 9:00 a.m.]

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**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 September 16, 1996 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00113263. Patrick Francis Miller, t/d/b/a Comfort Taxi Service** (9942 Wigwam Trail, Linesville, Crawford County, PA 16424)—persons upon call or demand, in the townships of North Shenango, South Shenango, West Shenango, Pine, Conneaut, Summerhill, Summit, Sadsbury, West Fallowfield, East Fallowfield and the boroughs of Linesville and Conneaut Lake, all located in the county of Crawford.

**A-00113273. Maxi Taxi, Inc.** (3445 St. Vincent Street, Philadelphia, Philadelphia County, PA 19149), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Philadelphia, Bucks, Montgomery, Chester, Lehigh, Berks and Delaware, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County. *Attorney:* Patrick T. Beaty, 240 North Third Street, Harrisburg, PA 17101.

**A-00113274. Roadrunner Express, Inc.** (300 Cornell Drive, Suite A-7, Wilmington, New Castle County, DE 19801), a corporation of the State of Delaware—persons in limousine service, between points in the counties of Delaware, Chester and Philadelphia.

**A-00113284. Phillip C. Myers** (442 Elm Avenue, Kingston, Luzerne County, PA 18704)—persons in limousine service, between points in the county of Luzerne, and from points in said county, to points in Pennsylvania and return.

**Applications of the following for amendment to the contract carrier permit approving the operation of motor vehicles as contract carriers for transportation of persons as described under each application.**

**A-00109546. Folder 3, Am-B. D & T Limousine Service, Inc.** (P. O. Box 790, Columbia Station, OH 44028), a corporation of the State of Ohio, inter alia—contract carrier—employees, their baggage and equipment, for CSX Transportation, Inc. and Consolidated Rail Corporation, between points in the counties of Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia, and from points in said counties, to points in Pennsylvania and vice versa. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.**

**A-00113279. Loretta M. Wagner, t/d/b/a Legacy Tours of Distinction** (HC88, Box 549, Pocono Lake, Monroe County, PA 18347)—brokerage license—to arrange for the transportation of persons between points in Pennsylvania.

**Applications of the following for the approval of the transfer of stock as described under each application.**

**A-00108330, Folder 5000. J. C. Stillwell's Son, Inc.** (1408 B Calcon Hook Road, Sharon Hill, Delaware County, PA 19079), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 100 shares of the issued and outstanding stock of Donald R. Redner to John Eder (50 shares) and Stephen Eder (50 shares). *Attorney:* Barry Kleban, 1900 Two Penn Center Plaza, Philadelphia, PA 19102.

**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 September 9, 1996.

- A-00113280 Mark J. Robbins, t/d/b/a M & D Enterprise  
3008 Hauck Road, Green Lane, PA 18054
- A-00113286 Matthew P. Esher, Inc.  
203 Faggs Manor Road, Cochranville, PA 19330
- A-00113287 G-Four Contractors, Inc.  
378 Walter Road, Cochranville, PA 19330
- A-00113288 Edwin G. McDermon  
51 Deerpath Lane, Glenmore, PA 19343
- A-00113289 Allied Oil & Chemical Sales, Inc.  
P. O. Box 3036, 1530 Clugston Road, York, PA 17402
- A-00113290 Jon Granger Trucking, Inc.  
657 Keller Road, Warren, PA 16365
- A-00113291 Colleen Lanning, t/d/b/a C. Lanning Hauling  
R. R. 4, Box 141, Shickshinny, PA 18655
- A-00113292 Tammy L. & Thomas E., Jr., Englehart  
431 Old Hershey Road, Elizabethtown, PA 17022
- A-00113261 Gerard W. McAndrew, t/d/b/a Jerry McAndrew Trucking  
10035 Bridge Lane, Clarks Summit, PA 18411
- A-00113293 Curnal, Inc.  
P. O. Box 891, Greentown, PA 18426
- A-00113294 Keystone Logistics, Inc.  
P. O. Box 39024, Philadelphia, PA 19136
- A-00113295 David Sites, t/d/b/a D. Sites Trucking  
261 Nottingham Street, Plymouth, PA 18651
- A-00113296 3 Springs Water Company, Inc., t/d/b/a 3 Springs  
1800 Pine Run Road, Laurel Run, PA 18702

**Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. DE-PEN Line, Inc.; A-00092681C9601**

*Complaint*

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That DE-PEN LINE, INC., respondent, maintains a principal place of business at P. O. Box 486, Hollow Road, R. D. 1, Phoenixville, PA 19460.

2. That at all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00092681.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa. Code § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by DE-PEN LINE, INC., at Docket No. A-00092681, for failure to maintain current evidence of insurance on file with the Commission and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Kenneth E. Nicely, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

*Notice to Plead*

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this compliant and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this complaint. Your answer must be verified and the original and two copies sent to:

John G. Alford, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1416. Filed for public inspection August 23, 1996, 9:00 a.m.]

### Telecommunications

**A-310203F0002. MFS Intelenet of Pennsylvania.** Application of MFS Intelenet of Pennsylvania, Inc. for approval to operate as a local exchange telecommunications company in the areas served by the Bell Telephone Company of Pennsylvania within the Philadelphia and Pittsburgh areas, and to establish specific policies and requirements for the interconnection of competing local exchange networks.

Bell Atlantic-Pennsylvania, Inc. and MFS Intelenet of Pennsylvania, Inc., by its counsel, filed on July 17, 1996, at the Pennsylvania Public Utility Commission a joint petition for approval of agreement for Network Interconnection and Resale.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic and MFS Intelenet joint petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1417. Filed for public inspection August 23, 1996, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project 9613.3, Replace Backflow Preventers, Pier 84 South, until 2 p.m., Thursday, September 5, 1996. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available August 26, 1996. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. The PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations. Mandatory prebid job site meeting will be held August 29, 1996, 10 a.m. at the site.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-1418. Filed for public inspection August 23, 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' request 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:

September 4, 1996	Thomas E. Reese (Membership Eligibility)	1 p.m.
September 9, 1996	Mary E. Smith (Disability)	1:30 p.m.
September 18, 1996	Carl Watson (Multiple Service Credit)	1:00 p.m.
	Peggy L. McFate (Purchase of Service)	2:30 p.m.

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur H. 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. 96-1419. Filed for public inspection August 23, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting a sealed bid for Mill and Pave Roadway and Shoulder, Lackawanna County, PA; Open Date: 9-9-96 at 11 a.m.

Bids will be received by the Director of Purchases not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1420. Filed for public inspection August 23, 1996, 9:00 a.m.]

## WILD RESOURCE CONSERVATION FUND

### Annual Report for 1996

The Wild Resource Conservation Act (32 P. S. §§ 5301—5314), signed June 23, 1982 by Governor Thornburgh, was the outgrowth of a realization that Pennsylvanians must take a more active role in protecting their rare and endangered species of flora and fauna and those habitats which are critical to their survival.

The act provides for the protection of protected wildlife and native wild plants. The act also established the Wild Resource Conservation Fund as the sole means of financing management work to be carried out under this program. The monies to support the program may only be raised through private contributions, as no general fund revenues from the State Treasury may be used for any purposes of this act. A seven-member Wild Resource Conservation Board was established to administer the conservation program and select the projects and studies which are to be funded.

The Board's members represent those State government agencies which are responsible for managing the Commonwealth's flora and fauna. The members are: Secretary, Department of Conservation and Natural Resources; Executive Director, Fish and Boat Commission; Executive Director, Game Commission; Majority and Minority Chairpersons of The House Committee on Environmental Resources and Energy and the Minority and Majority Chairpersons of The Senate Environmental Resources and Energy Committee. The Chairship of the Board rotates on an annual basis between the members.

The center piece of the legislation is the establishment of a special fund which, for the first time, enables Pennsylvania's citizens to support the protection of wild

plants and protected wildlife through voluntary, tax deductible contributions. The most creative source of funding is the opportunity for Pennsylvania's taxpayers to donate all or a portion of their State income tax refund to the Wild Resource Conservation Fund. Those who do not receive a State tax refund may also support this conservation program with a direct contribution.

Pennsylvania was 18th on the growing list of states providing tax checkoff funding for protected wildlife programs. While the list now numbers 34 states, Pennsylvania's law is unique in that it also focuses on protecting the Commonwealth's native wild plants. Tax checkoffs are a relatively new concept in raising funds for wildlife, with Colorado being the first to initiate such a program in 1977.

### Program Objectives

The research and management programs funded and authorized by the Wild Resource Conservation Board will be carried out by Pennsylvania's three natural resource agencies: The Department of Conservation and Natural Resources (DCNR); the Fish and Boat Commission (FBC); and the Game Commission (GC). Professional and technical staff members from each of the agencies are responsible for developing comprehensive management programs to ensure the future welfare of wild plants and nongame wildlife. Previously, monies for this area of wildlife management were either nonexistent or very limited. The fund represents a major source of revenue focused on this specific area of long neglected wildlife management.

Among the Wild Resource Conservation Board's activities will be programs dealing with those species of nongame wildlife and wild plants which are classified as being either endangered or threatened. The three agencies have combined their efforts in a program to identify all such species found in Pennsylvania. The DCNR, FBC and GC have been working with the Western Pennsylvania Conservancy, The Nature Conservancy, Morris Arboretum and the Carnegie Museum of Natural History on this study entitled, Pennsylvania Natural Diversity Inventory (PNDI). The species of flora and fauna found to be endangered or threatened have been classified as special concern and it is this special concern group which will receive the immediate attention of the Board.

The Wild Resource Conservation Act requires the Department of Conservation and Natural Resources to conduct investigations on wild plants in order to ascertain information relating to populations, distribution, habitat needs, limiting factors and other biological and ecological data to classify plants and to determine management measures necessary for their continued ability to sustain themselves successfully.

The Department of Conservation and Natural Resources, through the PNDI, has developed a computerized database containing location and ecological information about Pennsylvania's rare native plants; unique plant communities; special concern animals; reptiles, amphibians and fish; and significant geologic features. The system can be quickly and precisely queried to show the number and location of significant biological resources.

The plant information contained in the PNDI will be of great assistance in classifying plants as endangered, threatened or vulnerable as outlined in the Wild Resource Conservation Act. The Department of Conservation and Natural Resources has promulgated regulations based on the PNDI findings. The regulations established limitations relating to taking, possessing, transporting, export-

ing, processing, sale or offer for sale, or shipment of endangered, threatened or vulnerable classified native wild plants.

The Game Commission has always been involved, either directly or indirectly, with protected wildlife management. Game management practices, game land holdings, regulated hunting seasons and other factors have aided Pennsylvania's protected wildlife species. The Game Commission has, historically, aimed the greater majority of its management programs at game species to meet the desires and needs of sportsmen who support these programs through license fees. The Game Commission is broadening its protected wildlife management involvement through its Working Together for Wildlife Program and with monies available from the Wild Resource Conservation Fund.

The Fish and Boat Commission is charged with managing Pennsylvania's reptiles and amphibians in addition to its work with game fish and the protection of our waterways. The Fish and Boat Commission has organized itself to address the needs of this group of animals which

have not received the attention shown other nongame animals such as raptors and song birds. Reptiles and amphibians, too, have seen drastic changes in their environment which have led to their decreasing numbers. The continual loss of wetland habitat is the factor most responsible. To help solve this problem, the Board has the authority to allocate monies from the Wild Resource Conservation Fund to purchase habitat deemed critical to the survival of any endangered or threatened species.

#### Wild Resource Conservation Fund 1995—1996 Projects

Record amount of \$1,000,908 was approved for funding by the Wild Resource Conservation Board. The Board met on November 15, 1995 for their annual meeting and approved funding for 58 projects. A total of 99 applications were received requesting \$1,505,489.40 in funding. The money allocated was received from taxpayers donating their State tax refunds to the Wild Resource Conservation Fund and wildlife license plate sales. The following projects will protect and help manage the Commonwealth's game and wild plant species:

<i>Project</i>	<i>Sponsor</i>	<i>Amount</i>
• Herpetology/Fish Research Assistant	The Nature Conservancy	\$40,000
• Ephemeroptera of PA (mayflies)	Penn State, Greg Hoover	\$ 7,571
• Status of Indigneous Lampreys	Penn State, J. Stauffer	\$41,104
• Book: "Insects of PA"	Penn State and Dept. Agriculture—Al Wheeler	\$ 9,000
• Mussels: Delaware River Basin	Arthur Bogan	\$15,676
• Herpetological Atlas Pilot	Indiana University—Arthur Hulse	\$17,344
• Herpetological Educational Curriculum	Carnegie Museum/Powdermill	\$30,069
• Craneflies of PA	Carnegie Museum and Academy of Nat. Sciences (J. Gelhaus & C. Young)	\$15,610
• Loss of Fish Biod. from Acid Precipitation	Penn State, R. Carline, D. Sharp	\$10,000
• Fishes of PA Underwater Video	J. Stauffer, Penn State	\$17,513
• Dist. of Jellyfish in PA	Indiana Univ.—T. Peard	\$ 7,345
• Natural Community Classifications System of PA	Western PA Conservancy	\$44,000
• Public Wild Plant Sanctuary Network	Bureau of Forestry/Western PA Cons.	\$40,000
• Private Plant Sanctuary Network (This project was withdrawn by vendor after money allocation.)	Norma Kline	\$ 6,125
• Field Surveys for Plants of Concern in Eastern and Central PA	The Nature Conservancy	\$50,000
• Field Survey of Plants of Special Concern in Western PA	Western PA Conservancy	\$42,000
• Herbarium and Field Studies of PA Plants of Special Concern	Carnegie Museum	\$ 7,300
• Botanical Surveys of Northwest PA	Cleveland Museum	\$15,000
• Field and Herbarium Studies of PA TU Plant Species/Plant Field Surveys for Env. Review/Botanical Key Preparation for the Flora of PA—Morris Arboretum		\$25,000
• A Checklist of PA Fungi	Penn State—Mount Alto	\$26,552
• The Ecology and Distribution of the Endangered Sedge <i>Scirpus ancistrochaetus</i>	Penn State	\$ 7,464
• Plant and Natural Community Field Guide	Margaret Wisner	\$ 5,000
• Checklist of PA Algal Protists	Penn State	\$22,105

<i>Project</i>	<i>Sponsor</i>	<i>Amount</i>
• Landscaping for Wildlife in PA	Backyard Wildlife Network	\$30,000
• Analysis of Bat Species Diversity of Old-Growth vs. Secondary-Growth Forests	Tania Thalker and Gary Walters	\$ 8,000
• Technical Support Material on Wildlife Issues for Agency Personnel and Homeowners	Penn State	\$25,000
• Effects of Openings in the Contiguous Forest on Reproductive Success of Forest-Interior Birds	Penn State	\$20,000
• Effects of Border-Edge Cuts on Bird Communities in Farm Woodlands in Southwestern PA	California Univ. of PA	\$ 7,000
• PA Society of Ornithology Special Areas Project	Ecology III	\$15,000
• Songbirds of PA Curriculum Supplement for Grades K-12	Audubon Council of PA	\$12,000
• "PA Wildlife Limericks"	Steve Kauffman	\$3,000
• Wild Action Grant Program	Theresa Alberici PA Game Comm.	\$ 1,500
• Northern Flying Squirrels and Northern Water Shrews as Indicators of Habitat Quality in Sensitive Ecosystems of Northeastern PA	Wilkes University	\$12,000
• Small Mammal Community Structure and Dynamics in Old Growth Forests	Shippensburg Univ.	\$10,000
• PA Bayscapes Wildlife Habitat Demonstration and Workshops	Alliance of the Chesapeake Bay	\$ 8,000
• Wildlife Biodiversity Associated with a New Forestry Practice in PA	Penn State	\$20,000
• Species Composition and Relative Abundance of Small Mammals and Herptiles in Eastern Old-Growth Forest Habitats	Penn State	\$ 8,000
• "Important Bird Areas"	National Audubon	\$25,000
• Stabilization of Bat Nursery Church	Canoe Creek State Park	\$ 5,000
• Special Concern Mammal Species Research and Management	The Nature Conservancy	\$23,000
• Barn Owl in Bucks County: Analysis and Evaluation of Population and Habitat—Actions and Recommendations for Species Protection	Bucks County Audubon	\$ 6,000
• Installation of Bat Doors on mine shafts at the former York Iron Company Mine, Joseph P Raab Park	York County Parks	\$ 6,000
• Maintenance of the official list of birds of PA	PA Ornithological Records Committee	\$ 2,400
• "The Birds of Pennsylvania"	Gerald McWilliams	\$ 3,000
• Wild Resource Elementary Workshop	Slippery Rock Univ.	\$ 5,000
• Louisiana Water Thrush	East Stroudsburg Univ.	\$ 2,800
• Osprey Monitoring	East Stroudsburg Univ.	\$ 4,000

The following projects involve two or more of the State agencies and are therefore considered Special Administrative Projects.

<i>Project</i>	<i>Sponsor</i>	<i>Amount</i>
• Wild Resource Symposium for Secondary Teachers	Audubon Society of Western PA	\$ 4,500
• "The Five Senses Garden"	Capital Area Greenbelt	\$ 3,000
• Invertebrate Inventory Project: Barrens Habitat Survey	The Nature and Western PA Cons.	\$25,000
• Biodiversity Conservation of Butterflies and Skippers of PA	Penn State	\$ 6,000
• Reibman Tract Acquisition	Hawk Mtn.	\$50,000



<i>Project</i>	<i>Sponsor</i>	<i>Amount</i>
• Promotion and Public Relations	Bob Clark	\$15,980
• Follow-up Study on PA Attitudes and Behaviors Toward Wildlife and the WRCF	Slippery Rock	\$12,650
• PA Non-Game Species and Habitat Assessment	GC & FBC	\$50,000
• A Plan for Conserving PA's Native Biological Diversity: Implementation Print 2,000 copies	Penn State, Center for Research	\$ 8,300
• Purple Loosestrife	Landstudies	\$12,000
• Printing of "Magic Pipes" activity book		\$50,000

The dollars raised by the tax checkoff and Wild Resource Conservation license plate are the only funding mechanisms for the Wild Resource Conservation Fund projects. There are no general fund dollars allocated to these projects.

*Wild Resource Conservation Board Members*

John Oliver, Secretary  
Department of Conservation and Natural Resources  
Honorable Peter A. Colangelo, Executive Director  
PA Fish and Boat Commission  
Honorable Donald C. Madl, Executive Director  
PA Game Commission  
Honorable David J. Brightbill  
Majority Chairperson  
Senate Environmental Resources and Energy Committee  
Honorable Eugene E. Porterfield  
Minority Chairperson  
Senate Environmental Resources and Energy Committee  
Honorable Robert Reber  
Majority Chairperson  
House Committee on Environmental Resources and  
Energy  
Honorable Camille "Bud" George  
Minority Chairperson  
House Committee on Environmental Resources and  
Energy

The Balance Sheet and Statement of Unreserved Fund Balance provided were prepared by the Comptroller's Office on a cash basis of accounting, combined with an encumbrance budgetary system. They were not prepared in accordance with General Accepted Accounting Principles.

Department of Conservation and Natural Resources  
Wild Resource Conservation Fund  
Statement of Unreserved Fund Balance  
for the period ended June 30, 1996

Unreserved Fund Balance, Beginning	\$3,088,575.05
Revenue Received:	
Income Tax Check-offs	\$298,967.55
Voluntary Donations	8,013.23
Income from "Osprey" Film	9,409.90
Wild Plants License/ Permits	2,200.00
River Otter Reintroduction	1,300.00
Sale of Publications	6,099.81
Wild Resource License Plate	296,736.00
Wild Resource Tee Shirts	484.00

Interest on Securities	189,686.87	
Restricted Receipts	12,904.10	
Total Revenue Received		\$ 825,801.46
Prior Year Commitment Liquidations		\$ 174,125.01
Total Funds Available		\$4,088,501.52
Deductions:		
Administrative Expenses	\$353,667.63	
Administrative Commitments (1)	31,976.70	
Project Expenses (2)	916,000.67	
Project Commitments (3)	178,032.92	
Total Deductions		\$1,479,677.82
Unreserved Fund Balance, Ending		\$2,608,823.70

(1) This figure does not include administrative commitments of \$91,923.95 contingently committed against future years spending authorizations.

(2) This figure does include \$317,082.36 in expenses from special projects approved by the WRCF Board.

(3) This figure does not include project commitments of \$877,029.50 (of which \$200,121.50 are special projects) contingently committed against future years spending authorizations. This figure does include \$58,558.64 in special projects approved by the WRCF Board.

(PREPARED BY COMPTROLLER'S OFFICE)

**Public Hearing**

The Wild Resource Conservation Board has scheduled a public hearing for Wednesday, September 10, 1996, at 1 p.m. at the Game Commission Office, 2001 Elmerton Ave., Harrisburg. The purpose of the hearing is to provide individuals and organizations the opportunity to comment on the recommendations and programs funded with monies from the Wild Resource Conservation Fund. The Wild Resource Conservation Board is interested in hearing from any individual or organization that wishes to make comment on the projects submitted for funding to the agencies, Game Commission, Fish and Boat Commission or the Department of Conservation and Natural Resources list published in this issue of the *Pennsylvania Bulletin*. Agencies project recommendations for funding will be presented at the public hearing.

Only comments from the general public regarding the projects received will be heard at the September 10, 1996 Public Hearing.

The Board will then evaluate all recommendations submitted for its consideration and final funding decisions will be approved at the annual meeting on November 12, 1996.

### Annual Meeting

The Wild Resource Conservation Board will hold its annual meeting on Wednesday, November 12, 1996, 1 p.m. at the Game Commission Office, 2001 Elmerton Avenue, Harrisburg. A full report will be presented on the allocation of monies from the Wild Resource Conservation Fund. The Board will consider all presentations made at the public hearing and the plans outlined by the professional technical staffs of the Fish and Boat Commission, Game Commission and Department of Conservation and Natural Resources.

The recommendations funded by the Board will be administered by the Fish and Boat Commission, the Game Commission and the Department of Conservation and Natural Resources. The recommendation selections will be based on their individual contribution to the management goals of the three agencies and those outlined in the Wild Resource Conservation Act.

The following list includes the project recommendations requesting funding for 1996-1997 received by the Wild Resource Conservation Board. The public is invited to offer comment at the public hearing on September 10, 1996. The public hearing will be held at the Game Commission Headquarters, 2001 Elmerton Ave. at 1 p.m. Please limit comments to 5 minutes and provide eight copies for the Wild Resource Conservation Board.

### Project Submissions to DCNR for WRCF Funding in 1996

- *Title:* Create a Landscape Classification Workbook for Southeastern Landowners Natural Lands Trust

*Objective:* Communicate a methodology for identifying and conserving natural communities—via a practical landscape classification workbook and supplementary slide program.

*Justification:* Land conservation throughout the Commonwealth of PA has generally occurred on an ad hoc, hit-or-miss basis. Most municipal plans and regulations lack a strong, consistent and defensible approach for protecting natural landscapes other than floodplains, wetlands, and steep slopes. Workbook will contribute to the design and creation of more logical, interconnected networks of open space.

*Sponsor:* The Natural Lands Trust—David Steckel

*Cost:* \$25,460

- *Title:* Production of Outreach Tools

*Objective:* To produce 5,000 copies a piece and camera-ready negatives of two brochures, for DNR: One on landscaping with native plants, the other on invasive plants. To create a list of approved nursery sources of native plants/seed in PA.

*Justification:* The brochures will be designed to promote the use of native homeowners and property managers to educate themselves to choose native plants and not invasive exotics, they become more informed and involved in preserving native plant communities. The list of nurseries supplying PA native plants or seed is a necessary adjunct.

*Sponsor:* Rodale Institute—Cyane Gresham

*Cost:* \$9,950

- *Title:* Herbarium and Field Studies of PA Plants of Special Concern

*Objective:* Record data and verify specimens of POSCIP plants; continue to discover and document new plant taxa for PA; and provide herbarium services to Heritage Program.

*Justification:* Monitoring and conserving PA's plant biodiversity is dependent on the most complete and accurate information possible, including data from current field surveys, historical collections and literature surveys. Activities proposed here will increase both the accuracy and breadth of data upon which environmental review decisions are based.

*Sponsor:* Carnegie Museum—Sue Thompson

*Cost:* \$17,310

- *Title:* Development of Educational Materials of PA Native Wild Plants

*Objective:* To assess and critique current educational activities that communicate information on native wild plants in PA and other states; and to produce and test educational materials concerning PA native wild plants in the context of baseline data gathered.

*Justification:* Educational materials specifically on native wild plants are necessary for increasing the number of environmentally aware citizens who will understand the important role of native plants to the biodiversity of PA.

*Sponsor:* Carnegie Museum—Sue Thompson

*Cost:* \$23,100

- *Title:* Natural Community (Habitat) Classification for Caves in PA

*Objective:* Development of a comprehensive cave community classification to provide clearly defined, recognizable community types within cave systems.

*Justification:* Caves and their associated fauna have received little attention and that only for species inventory. If the inhabitants of caves are to be conserved, the habitats in which they exist must be understood and recognized. The various chemical and physical features that comprise their environments must be measured and analyzed.

*Sponsor:* The Nature Conservancy—Barbara Barton-Aldrich

*Cost:* \$10,716.15

- *Title:* Field, Herbarium and Literature Surveys, Work on the Field Manual of PA Plants and Environmental Review

*Objective:* Surveys are intended to continue to collect data to refine the classification of plant taxa currently included in the TU category on the PSCOIP, preparation of the field manual of PA plants, provide environmental review services to the Bureau of Forestry on an as-needed basis.

*Justification:* Collect field data on plant taxa on 83 plants from the Vascular Plants Technical Committee that should be evaluated for possible TU listing. Field manual is much needed tool for plant identification and training of students of botany. Ann Rhoads will make field visits in eastern PA counties at the request of Bureau of Forestry for Environmental Review.

*Sponsor:* Morris Arboretum—Ann Rhoads

*Cost:* \$35,000

- *Title:* Herbarium Studies of Plant Species of Concern in Eastern PA

*Objective:* The project will involve work in the field, office and herbarium in order to maintain, refine and augment data concerning plant species of concern in the eastern half of PA.

*Justification:* The infusion of new, updated, and revised data from the project will enhance the PNDI database, the POSCIP list, the State environmental review process and public and private conservation efforts.

*Sponsor:* The Nature Conservancy—John Kunsman  
*Cost:* \$47,044

- *Title:* Investigation into the historic and extant distribution of *Amelanchier canadensis*

*Objective:* Both herbarium and field studies are required to ascertain the present distribution of the shrub, *Amelanchier canadensis* (L) med.

*Justification:* Historic records from the Gray and Arnold Herbaria and Vascular Flor of PA indicate less than 41 known collection sites for *Amelanchier canadensis* (L) Med., a coastal plane species in southeastern PA. Considering the major building in this area during this century, both the present and past distribution require investigation with the strong possibility one is dealing with a rare POSCIP species.

*Sponsor:* Carnegie Mellon—W. Ann Robinson  
*Cost:* \$928.00

- *Title:* A checklist of PA Fungi

*Objective:* Develop a list of current checklist of fungus names from the preliminary checklist that has been developed from herbarium specimens of PA fungi from Penn State, the Carnegie Museum, and the National Fungus Collections of the USDA.

*Justification:* A preliminary checklist of fungal names is being produced in 1996 from herbarium collections. This list has many redundancies created by nomenclature and taxonomic synonyms. With a list of current names, accurate checklists can then be developed for a variety of uses by interested groups and agencies.

*Sponsor:* Penn State—Dr. Carl B. Wolfe, Jr.  
*Cost:* \$20,674

- *Title:* Databasing the PA Vascular Collection at YUO

*Objective:* To make available for use by PNDI and POSCIP and others the vascular collection of YUO. The database will be in Paradox 4.0.

*Justification:* When the PA flora was being written, Rhoads & Klein didn't respond to an invitation to use YUO. With approximately 10,000 vascular specimens from PA, I know there are important records in the collection.

*Sponsor:* Youngstown Univ. of Ohio—Carl F. Chuey  
*Cost:* \$5,000

- *Title:* Databasing the Bryophyte Collection from PA at YUO

*Objective:* Databasing the Bryophyte Collection from PA at YUO.

*Justification:* Since most of the collection is from western PA, some location records should be in the collection.

*Sponsor:* Youngstown Univ. of Ohio—Carl F. Chuey  
*Cost:* \$1,250

- *Title:* A Herbarium Based Checklist of PA Mosses  
*Objective:* Establish a specimen based checklist of PA mosses.

*Justification:* The assessment of infrequently reported mosses in PA is warranted in order to determine which taxa merit protection under PA Wild Resource Conservation Act.

*Sponsor:* Penn State—Harold J. Webster  
*Cost:* \$14,799

- *Title:* Field Studies of PA Plants of Special Concern  
*Objective:* Obtain quantitative data on element occurrences of some POSCIP species with which I am familiar in Cumberland and Franklin Counties.

*Justification:* The Vascular Plant Technical Committee of PA Biological Survey will consider these data in assigning ranks to these species in the POSCIP list.

*Sponsor:* Shippensburg Univ.—Larry Klotz  
*Cost:* \$4,500

- *Title:* Field Surveys for *Aster radula*, *Solidago speciosa*, and other rare Aster and *Solidago* species.

*Objective:* To survey historic localities and suitable habitat around recently confirmed localities for *Aster radula*, *Solidago* species and other rare asters and goldenrods that are occurring in the same areas.

*Justification:* Field surveys are needed to assess the rarity of these species so that they can be appropriately categorized on the POSCIP list.

*Sponsor:* Dickinson College—Carol Loeffler  
*Cost:* \$1,044

- *Title:* Rare Plant and Natural Community Inventories of Northwestern PA

*Objective:* The Department will continue searching for new records of POSCIP and updating historical records. The Department will continue long term stewardship projects at Presque Isle.

*Justification:* Since 1985 the Museum Botany Department has found hundreds of POSCIP records and discovered several dozen significant natural areas that were not previously documented. Several dozen new POSCIP records were discovered in 1995, six new to the flora of PA. The first western PA record of log fern (*dryopteris celsa*) and the third State occurrence of water marigold were found during the 1995 field season. The range of pumpkin ash was extended into Crawford County.

*Sponsor:* The Cleveland Museum of Natural History—Kathy Fouts  
*Cost:* \$15,000

- *Title:* An allozymal study of laurentian bladder fern (*Cystopteris laurentiana*) from Centre Co. PA

*Objective:* We seek insight into the taxonomy and genetic diversity of this uncommon species. This would permit comparisons to populations of this and related taxa and allow inferences regarding the forbearers of the plants present. More basically, it would confirm the taxonomic identification of the plants in the population. Finally, this study would contribute to elucidation of the complex fern genus *Cystopteris* as part of Dr. Parks' ongoing study of PA pteridophytes.

*Justification:* PA is in a unique position biogeographically. Our flora contains both Northern and Southern plant species. The bladder fern, *Cystopteris*, is a good

example. The circumboreal *C. fragilis* is in the glaciated North. The Southern *c. tenuis*, and *C. protrusa* are in Southern PA. *C. Laurentiana* is a rare Northern species and is reported at only three sites in PA. These must be examined and their status confirmed using modern molecular techniques. These proposed study would be an extension of my present, similar work with *C. tennesseensis*. Technically, the protocols require only small amounts of leaf tissue and do little harm to the plant populations.

*Sponsor:* Millersville Univ.—James C. Parks

*Cost:* \$550

- *Title:* Public Wild Plant Sanctuary Network

*Objective:* To implement the Public Wild Plant Sanctuary Network established by Section 10 of the Wild Resource Conservation Act.

*Justification:* To date no Public Wild Plant Sanctuaries have been established, in spite of expanding interest from State resource agencies. Implementation of the network includes identifying areas as sanctuaries, establishing boundaries, writing management plans and coordinating with State land managers.

*Sponsor:* Western Pennsylvania Conservancy

*Cost:* \$42,000

- *Title:* Botanical Surveys for PNDI Listed Species

*Objective:* To continue field survey of presently unsearched for PNDI species from herbarium records supplied by Carnegie Museum and other institutions. Revisit extant populations now in the PNDI database which have not been visited in 5+ years.

*Justification:* Provide specific mappable ecological data for the 500+ listed plants on the POSCIP list for environmental review, and for assessing and protecting the rarest and most threatened flora in PA.

*Sponsor:* Western Pennsylvania Conservancy—Paul G. Wiegman

*Cost:* \$44,000

- *Title:* Field Survey of Selected Tentatively Undetermined Plant Species in PA

*Objective:* Aid the collection and identification of the flora of Greene County. DNA studies will be conducted on species of violets, especially those of the TU category with special emphasis on the species/variation *Viola Conspersa Reichem. var. apt. alachiensis* (Henry) Ballard, comb. nov.

*Justification:* The last 5 growing seasons have been spent collecting and cataloging the Flora of Greene County. Greene County is the most incomplete in The Vascular Flora of PA, and herbarium studies at Carnegie Museum.

*Sponsor:* Carlow College—Mary Jo Haywood

*Cost:* \$5,000

- *Title:* PA Invertebrate Inventory Project: Barrens Habitat Survey Continuation

*Objective:* Document numerous groups of invertebrates and associated vegetation at six barren sites in PA.

*Justification:* A better understanding of the invertebrate component of barrens communities will allow refinement of classification systems for them and ultimately permit assessment of their importance for the maintenance of biodiversity in PA.

- *Title:* Lichens of PA: Maintenance and Refinement of Checklist

*Objective:* Lichen checklist compiled by James K. McGrath in 1990 is being revised to include collections from Western PA and herbarium documentation, and is being converted to a database. Redetermination of these collections will make this checklist and its associated database more precise and useful.

*Justification:* Older collections have not been critically redetermined in light of revision to lichen genera in the past 10 years. Older names were included as synonyms; this is no guarantee that the original identifications were correct. Redetermination of these species will refine both the checklist and database.

*Sponsor:* Academy of Natural Science—Christine Manville

*Cost:* \$5,345

- *Title:* Maintenance of Database of Hepatics of PA

*Objective:* Revision and identification of collections from restricted habitats by the Nature Conservancy and staff and others will add to our knowledge of changes in hepatic (liverwort) distribution since 1800. Continues collections will emphasize Lancaster, Northampton, Philadelphia and adjacent counties where the earliest collections were made.

*Justification:* Liverworts often grow in habitats with sufficient moisture to maintain constant humidity; stream banks, wetlands, sheltered ravines, under waterfalls and sandstone seeps and at the mouths of caves. They are subject to subtle changes in water quality and to drought and moisture stress.

*Sponsor:* Academy of Natural Science—Christine Manville

*Cost:* \$2,570

- *Title:* Fungi of PA

*Objective:* Documentation of fungi at the Academy of Natural Sciences in Philadelphia includes Muhlenbergs, and Schweinitz collections from the late 18th and early 19th centuries. In addition, more recent collections of the following families will be documented: Agaricaceae, Boletaceae, Polyporaceae, Pexixaceae. This effort augments work by C B Wolfe at Penn State Univ. at Mt. Alto and by staff at the New York Botanical Garden.

*Justification:* The general collections at the Academy of Natural Sciences in Philadelphia contain extensive collections, particularly from eastern PA. Efforts are a part of a concerted effort to achieve a complete list of PA fungi.

*Sponsor:* Academy of Natural Science—Christine Manville

*Cost:* \$6,800

- *Title:* Mosses of Eastern PA: Maintenance and refinement of checklist

*Objective:* Confirmation and continued redetermination of existing herbarium records is needed to refine the existing database and preliminary checklist of mosses in PA. Additional collections will be made in northeastern PA.

*Justification:* The primary investigator will continue to collect and review the moss database for Eastern PA by redetermining older collections with assistance from other members of the Bryophyte/Lichen Technical Committee.

*Sponsor:* Academy of Natural Science—Christine Manville

*Cost:* \$5,330

**Project Submissions Submitted to the Fish and Boat Commission for Funding in 1996**

- *Title:* Food habitats of Amphibians in managed and unmanaged forests in northwestern PA

*Objective:* Quantify and compare the food habits of amphibians within managed second-growth and old-growth forests and within managed second-growth forests with and without herbicide application.

*Sponsor:* USDA Forest Service—Dave deCalesta

*Cost:* \$10,300

- *Title:* Amphibian and Reptile Materials

*Objective:* Creation of an amphibian and reptile curriculum supplement specific to the Commonwealth's native species and issues involving upper elementary students.

*Justification:* The Museum's long history of providing information about amphibians and reptiles to the broad audience of the general public and specific groups of elementary students and teachers places it in a unique position to develop such materials.

*Sponsor:* Carnegie Museum of Natural History/Powdermill Nature Reserve—Terri Kromel

*Cost:* \$6,100

- *Title:* Writing and Publication of the Freshwater Bivalves of PA

*Objective:* Fresh water bivalves of PA survey began in 1990. Allegheny River Basin, Monongahela River Basin, Susquehanna River Basin have been completed and the Genesee, Delaware and Potomac River basins will be surveyed in 1996. This information along with unionids of French Creek, and island survey in the Allegheny River will be added and all data from surveys will be put into database format compatible with GIS ARC-INFO system. A manuscript covering the freshwater bivalves of PA will be provided on disk and hard copy, along with maps generated by GIS.

*Justification:* This manuscript will combine multiple surveys and put them together in one manuscript on Freshwater Bivalves of PA

*Sponsor:* Arthur Bogan

*Cost:* \$30,000

- *Title:* Restoration of Slimy Sculpin to the Stone Run Watershed in northern Clearfield Co.

*Objective:* Restore a viable population of slimy sculpins to the Stone Run Watershed. Developing techniques that may be useful in similar fish restoration efforts in the future.

*Justification:* The proposed project will allow resource managers insight into the techniques required to re-establish nongame fish species to habitats they formerly occupied that have been degraded by atmospheric deposition.

*Sponsor:* Penn State—William Sharpe

*Cost:* \$28,502

- *Title:* A Survey of Amphibian Populations along the Eastside Access Highway corridor in Erie

*Objective:* To survey amphibian breeding populations using wetlands that will be affected by construction of the Eastside Access Highway. This project will emphasize *Ambystoma maculatum* populations.

*Justification:* Amphibians are globally threatened by habitat loss and alteration. This survey will provide baseline data to assess the impact of road construction on salamanders, and it will be used to help determine how to mitigate wetland loss for the purpose of conserving amphibian populations.

*Sponsor:* Penn State—Pamela S. Botts

*Cost:* \$6,968.50

- *Title:* Status survey of Fishes of Special Concern in the Delaware River Drainage of PA

*Objective:* To more definitively determine, through field survey using a variety of sampling techniques, the current distributional status of eight nongame fishes of special concern native to the Delaware River drainage in PA.

*Justification:* Since the PA Biological Survey documented the status and plight of this group of fishes, and recommended additional field work on five species, practically no work has been done on this group. The applicant discovered a population of ironcolor shiners in 1995 (the first since 1917) and further work is needed to determine the extent of the population.

*Sponsor:* Robert Criswell

*Cost:* \$1,595

- *Title:* Aquatic craneflies of PA: A preliminary checklist and database development

*Objective:* Expand sampling on Aquatic Craneflies Statewide concentrating on rare, threatened and special concern species and species possibly extirpated; assemble distribution data and distribute database of State records.

*Justification:* A knowledge of the crane fly fauna will be of great use in the PNDI as crane flies are an easily observed biotic measure for evaluating habitat complexity, rarity and the effects of disturbance.

*Sponsor:* Academy of Natural Science/Carnegie Museum—Jon Gelhaus/Chen W. Young

*Cost:* \$17,050

- *Title:* The interactive effects of deforestation and acidic atmosphere's deposition on terrestrial amphibians

*Objective:* Use a tiered, multilevel experimental approach to examine the interactive effects of acidic atmospheric deposition and deforestation on terrestrial amphibians in PA.

*Justification:* Terrestrial amphibians are a large and trophically important component of northeastern forest ecosystems. Preserving abundant, diverse amphibian populations is therefore essential to maintaining the overall health of forest ecosystems in the NE U. S.

*Sponsor:* Penn State—Wm. Dunson/Matthew Laposta

*Cost:* \$8,859

- *Title:* Juvenile growth rates in PA Turtles

*Objective:* To measure growth rates in three PA turtle species during the first 18 months of life, then release these turtles into the wild and monitor their survival.

*Justification:* Little is known about the juvenile growth rate of turtles, which may represent a critical factor in a species' ability to adapt to a changing environment. This

project would allow data compilation on juvenile growth rates and assess the possible benefits of a headstart program for certain native PA turtle species.

*Sponsor:* St. Joseph's Univ.—Scott McRobert

*Cost:* \$18,000

- *Title:* Status of Indigenous Lampreys in Pennsylvania

*Objective:* Develop distribution maps for the native lampreys, prior to lampricide application and other anthropocentric stresses; conduct extensive surveys to document spawning of lampreys, sample ammocoetes during summer, develop a recovery plan for selected species.

*Justification:* The biological diversity of our globe is being reduced drastically. Freshwater fishes are particularly vulnerable to extirpation as a result of anthropocentric stresses. Populations of small lampreys which are indigenous to PA have been drastically reduced because of habitat alterations and the application of lampricide to control the parasitic sea lamprey.

*Sponsor:* Penn State—Jay R. Stauffer

*Cost:* \$40,705

- *Title:* Conservation and Management of fish, herptiles and aquatic species—special projects.

*Objective:* Complete series of specific projects related to the monitoring, research and management of nongame fish, amphibians, reptiles and aquatic organisms.

*Justification:* 46 fishes, 12 amphibians and reptiles and two freshwater mussel species are presently on the PA endangered, threatened and/or candidate lists. Project reviews, special studies and data management to adequately address the conservation of these species will be accomplished by these special projects.

*Sponsor:* Fish and Boat Commission—Andrew Shiels

*Cost:* \$40,000

- *Title:* Herptile Atlas Pilot Project

*Objective:* The atlas is an effort to determine in detail the Statewide distribution of all species of amphibians and reptiles occurring within the borders of PA.

*Justification:* Pilot project will act as a proving ground to test procedures such as setting up the volunteer network, reporting results, and sending out program reports. The pilot project is designed to last for 2 years and survey Armstrong, Indiana, and Westmoreland counties in western PA.

*Sponsor:* Indiana University—Arthur C. Hulse

*Cost:* \$13,000

- *Title:* In Situ video of PA's freshwater fish fauna

*Objective:* Underwater observations and video taping of in situ behaviors in each of the major drainage basins in the Commonwealth.

*Justification:* Final product will be a tape that contains representatives of each of the State's major drainages and will include a series of the fishes that occupy different habitat guilds.

*Sponsor:* Penn State—Jay R. Stauffer

*Cost:* \$17,607

- *Title:* Trichoptera (caddisfly) and Plecoptera (stonefly) distribution in PA by physiographic province.

*Objective:* Adapt a GIS software program to plot the species of previous surveys by physiographic province. This is a more realistic biologic boundary than county borders.

*Justification:* This information will be useful in determination of how widely distributed species of caddisflies and stoneflies are in relation to their physiographic habitat. It could be very helpful in conservation efforts of rare species.

*Sponsor:* Penn State—Behrend College—E C Masteller

*Cost:* \$5,670

- *Title:* Completion and Implementation of a Comprehensive Wildlife Management Plan

*Objective:* Develop an implementation plan to guide enactment of recommendations of the Comprehensive Management Plan and produce a glossy publication to promote in-State funding.

*Justification:* Agencies must proactively manage nongame fish and wildlife while meeting an increasing public demand for wildlife conservation, recreation and education opportunities.

*Sponsor:* Fish and Boat Commission—Brian Barner

*Cost:* \$15,000

- *Title:* Identification of Mussell Glochidia and Host Fish Associations in the Upper Allegheny River Drainage

*Objective:* Gain general insights into unionid-host fish relationships through intensive study of the upper Allegheny River ecosystem by expanding the existing key to the mussel glochidia of French Creek.

*Justification:* Efforts to preserve and enhance mussel populations continent-wide are a high priority in conservation biology, but success of the effort is hampered by the inability to identify the glochidia. Unionids have an obligate association with a suitable vertebrate host to complete development. In North America, larval mussels called glochidia attach to host fish for a period of 1 week to several months before dropping off to begin their life in the substrate. The nature of the glochidium-host relationship is not well understood, but is critical to successful reproduction of all unionid species.

- *Title:* Application of Geographical Information System Technology to Fish Conservation in PA

*Objective:* Document changes in distribution and abundance of ETC species in PA over the past 30 years, to review current classifications of ETC species to ensure they are appropriately categorized and consider other species that should be added to the ETC species listing, and to identify streams that historically supported or currently support diverse assemblages of fish in each of the six major sub-drainages in PA and develop a priority list of streams in each drainage that merit special consideration.

*Justification:* To accurately represent PA's ETC species, databases from the Fish and Boat Commission, Penn State Univ. Fish Museum, Cornell Univ., Fish Museum, and the Philadelphia Academy of Science will be assimilated. Once in place fish records of the past 100 years will be centrally located allowing for data queries, and spatial and temporal analyses of several databases.

*Sponsor:* Penn State—Robert Carline

*Cost:* \$24,726

### Projects Submitted to the Game Commission for Funding in 1996

- *Title:* Wild Action Grant

*Objective:* Provide financial and technical support to schools and nonprofit youth organizations who are improving habitat for wildlife for school and community grounds and using these sites as environmental learning areas.

*Justification:* PA schools and youth organizations are interested in improving habitat for wildlife, many schools and groups need financial as well as technical support to implement habitat improvement projects. This program has been successful 1994, 1995, 1996. Further funding is needed to continue the program in 1997.

*Sponsor:* Game Commission—Theresa Alberici

*Cost:* \$3,000

- *Title:* Status and Distribution Study of the Yellow-Bellied Flycatcher

*Objective:* Determine the status, natural history traits, and habitat requirements of the Yellow-Bellied Flycatcher by surveying likely nesting location, monitoring breeding populations, observing breeding pairs, and analyzing vegetation and physical characteristics of nesting habitat in PA.

*Justification:* The Yellow-Bellied Flycatcher is a threatened species in PA and one of its rarest and most poorly known nesting species. It is considered one of PA's rarest nesting species. All Yellow-Bellied Flycatchers have been found in unmanaged sections of large-scale forests.

*Sponsor:* Ecology III—Douglas Gross

*Cost:* \$5,000

- *Title:* Monitor Populations of Louisiana Waterthrush in acidified and unpolluted stream habitats.

*Objective:* Study possible effects of stream acidification on the breeding biology of Louisiana Waterthrushes by comparing the availability of stream macroinvertebrates with breeding densities, foraging behavior, and nesting success in polluted and unpolluted forested stream habitats located on Powdermill Nature Reserve.

*Justification:* Degradation of riparian habitats in PA such as that caused by acid mine drainage and acid precipitation, for the breeding biology of Louisiana Waterthrushes is unknown. Knowledge of the possible effects of stream acidification on the population ecology and population dynamics of this species will enhance conservation efforts in the State.

*Sponsor:* Carnegie Museum of Nat. History/Powdermill Nature Reserve—Robert S. Mulvihill

*Cost:* \$12,000

- *Title:* Protection of significant bat maternal site and restoration of adjacent farm fields

*Objective:* Restabilize barn foundation and roof of existing barn colonized by little brown bats as a brood rearing site, plant native warm-season grasses for upland fowl nesting habitat and install interpretive signs on ecological importance of bats and the significance of this old farm site in providing habitat for them and upland waterfowl. This bat brood rearing site is adjacent to the Allegheny National Wild and Scenic River, US 62.

*Justification:* The winter of 1995/96 saw many old barns in the State of PA fall down or be rendered unusable by bats because of heavy snows and severe

spring storms. This colony has been visited by the GC and representative of Bat Conservation International, Inc. They consider this site a significant maternal colony that needs to be protected.

*Sponsor:* Allegheny National Forest—Brad Nelson

*Cost:* \$25,000

- *Title:* Community ecology of the parasites found in the northern and southern flying squirrel: Evidence for Biological Warfare?

*Objective:* Define the species pool of parasites infecting both northern and southern flying squirrels. Determine the distribution of parasites within the gut of northern and southern flying squirrels for habitat studies, monitor changes in infection of individual hosts over collection periods, determine the possibility that *Strongyloides robustus* may be a positive factor in competitive exclusion between the northern and southern flying squirrel.

*Justification:* Host-parasite relationships and how these relationships effect host populations with regard to effective management of squirrel populations will be studied, along with the possible threat of species exclusion by parasite mediated competition.

*Sponsor:* Seton Hill College—Dr. Michael Patrick

*Cost:* \$10,100

- *Title:* Small mammal community structure and dynamics in old growth forests: A long term ecological study

*Objective:* To continue a proposed long-term ecological research project to document the characteristics and dynamics of small mammal communities in old-growth forests in PA and compare these characteristics to those of small mammal communities in second-growth forests.

*Justification:* We know virtually nothing regarding the characteristics of small mammal communities in old-growth forests in PA and elsewhere in North America. This research will permit us to assess how the conversion of old-growth forests to second-growth forests may influence the structure and dynamics of small mammal communities and thereby the entire forest.

*Sponsor:* Shippensburg University—Dr. Gordon Kirkland

*Cost:* \$10,000

- *Title:* Special concern mammal species research and management

*Objective:* Gather baseline data on special-concern mammals and provide these data to the appropriate State agencies that they can formulate sound management practices for these species.

*Justification:* Mammal species of concern have not received adequate efforts to understand their status and distribution patterns in PA. Maintaining the State's biodiversity requires the baseline data on these species to effect their long-term survival.

*Sponsor:* The Nature Conservancy—Jim Hart

*Cost:* \$44,990.62

- *Title:* PA bayscapes wildlife habitat demonstration and workshops

*Objective:* Educate citizens about backyard practices that enhance biological diversity and protect water quality. Workshop/field day will be presented to interested public audiences within the watershed. Emphasize the

environmental and economic values and benefits of highly-managed, cultivated landscape areas into more natural areas.

*Justification:* In cooperation with the U. S. Fish and Wildlife Service the Bayscapes Program was developed and conducted numerous workshops, seminars, field trips and outreach programs primarily in Maryland and Virginia portion of the Chesapeake Bay watershed. Alliance would like to continue and expand the Bayscapes message in PA.

*Sponsor:* Alliance for the Chesapeake Bay

*Cost:* \$10,000

- *Title:* Survey of bats at Canoe Creek State Park with Special Emphasis on the "Little Brown Bat"

*Objective:* To begin long-term monitoring of bats, elucidate the bat community within Canoe Creek State Park, determine demographic population structure of bats within the park.

*Justification:* Canoe Creek is an area of special concern regarding bats. These data will be used in making future management decisions regarding bats in this park.

*Sponsor:* Penn State—Dr. Michael Gannon

*Cost:* \$6,087

- *Title:* Northern flying squirrels and northern water shrews as indicators of habitat quality in sensitive ecosystems of northeast PA

*Objective:* Further define the distribution of northern water shrews and northern flying squirrels in northeastern PA and assess patterns of macro and micro-habitat use as they relate to these distribution patterns.

*Justification:* The northern water shrew and the northern flying squirrel are inhabitants of northern boreal forests that exhibit a limited distribution in PA. Study is designed to evaluate the link between habitat quality and the distribution and abundance of the two species and to provide important information on their behavior and ecology.

*Sponsor:* Wilkes Univ.—Michael Steele

*Cost:* \$11,856

- *Title:* Effect of Border-edge cuts on bird communities in farm woodlots in southwestern PA

*Objective:* Determine the effects of border-edge cuts have on avian species by comparing bird abundance, species richness, and nesting success between edges modified by border-edge cuts and abrupt (uncut) edges.

*Justification:* Results of this study should provide information on the benefits of this habitat management technique to edge-and shrub-nesting birds.

*Sponsor:* California University—Dr. Bill Giuliano, Dr. C. Allan Miller, and Kathy Fleming

- *Title:* Long-term ecological research: Small mammals as indicators of the health of PA Forest Ecosystems

*Objective:* Data derived from long-term population study of small mammals at Powdermill will accomplish: a baseline to understand factors contributing to the stability and resiliency of "typical" mixed-deciduous forest ecosystem in PA, and delimit population dynamics of "indicator" species of small mammals deemed essential to contributing to the health of a PA forest ecosystem.

*Sponsor:* Powdermill Environmental Station—Dr. Joseph Merritt

*Cost:* \$9,000

- *Title:* Maintenance of the Official List of the Birds of PA

*Objective:* To maintain Official List, review status of all species, archive copies of slides, review new records, publish results to hold committee meetings.

*Justification:* PA Ornithological Committee is a sub-committee of the PA Biological Survey's Ornithological Committee which is an official advisory group to the PGC was founded to maintain the Official List of Birds of PA, determine authenticity of rare or unusual bird sightings, original bird records, publish data on all records, provide a means by which sight records can gain acceptance as credible scientific data, establish standards in the methods of collecting and submitting quality field data.

*Sponsor:* PA Ornithological Records Committee—Paul Schwalbe

*Cost:* \$2,000

- *Title:* Young Ornithologists—research that educates

*Objective:* Staff will work with Bowman's Hill volunteers to study the impact of white-tailed deer on the diversity and productivity of plants and birds.

*Justification:* The Academy recognizes the critical importance of education in our quest to study and preserve the natural world and its biodiversity. To teach teenagers about ornithology and to encourage vocations and avocations in field biology we have designed Young Ornithologists using birds as the vehicle.

*Sponsor:* Academy of Natural Science—Dr. Robert Ridgeley/Sally Conyne

*Cost:* \$12,212.04

- *Title:* An adopt-a-kestrel-nestbox program of PA school children

*Objective:* Develop an adopt-a-nestbox program for schools. The program will have interested classes of middle-school students build and erect a kestrel nestbox near the school, which the students will subsequently monitor. The kestrel will serve as the focus for lessons in wildlife biology.

*Sponsor:* Hawk Mtn.—Keith Bildstein, Bill Hilton

*Cost:* \$17,850

- *Title:* Preparation and Curation of special concern mammals and bird specimens generated by Game Commission and Wild Resource Conservation Fund research

*Objective:* Help defray the costs of preparing and curating specimens of mammals and birds collected by PA Game Commission personnel or researchers studying special concern mammals and birds in PA.

*Justification:* Institutional funds are not allowed to defray the costs of preparing and curating specimens collected and deposited in the Vertebrate Museum by Game Commission personnel. This also applies to specimens collected during WRCF sponsored research carried out by individuals not employed by the Vertebrate Museum.

*Sponsor:* Shippensburg Univ.—Dr. Gordon Kirkland

*Cost:* \$2,442

- *Title:* Stabilization of bat nursery church



*Objective:* Make repairs to the exterior of the bat church in order to preserve the building which houses the largest known nursery colony of little brown bats in PA.

*Justification:* This structure was purchased with WRCF monies in 1993 is being preserved and managed cooperatively by the Game Commission and the Bureau of State Parks. Plans are being formulated to use the church as a research and education center about bats. Repairs must be done to keep the building, which provides a safe, secure place for bat rearing, from deteriorating for personal safety and aesthetic appeal. Repairs will be done during appropriate times of the year to minimize disturbance during nursery care. Labor for repairs will be provided by Canoe Creek State Park and Game Commission, Bureau of Non-Game Species employees.

*Sponsor:* Bureau of State Parks, Canoe Creek State Park—Terry Wentz

*Cost:* \$5,000

- *Title:* Wildlife Biodiversity associated with a new forestry practice in PA

*Objective:* Compare alpha (site-specific) diversity and population abundance of wildlife communities (breeding birds, terrestrial salamanders, and butterflies/skippers) among EAR stands of two size classes in the Valley and Ridge Province of PA.

*Sponsor:* Penn State—Richard Yahner

*Cost:* \$25,956

- *Title:* PA recovery and management program for the long-eared owl

*Objective:* Identify wintering and breeding habitat for long-eared owl in PA; develop a monitoring program for the conservation of the long-eared owl in PA.

*Justification:* The PA Partners in Flight Program has identified the long-eared owl as a priority species for the development of a monitoring program in the Commonwealth.

*Sponsor:* Penn State—Richard Yahner

*Cost:* \$13,000

- *Title:* Effects of warm season grass re-establishment on grassland bird communities in agriculture areas of southwestern PA

*Objective:* To determine what effects farmland planted with warm season grasses has on the abundance, species richness, nest density and nest success of grassland bird communities.

*Justification:* Breeding bird surveys have shown declines for many game and nongame grassland species in PA. Warm season grass fields planted by farmers through a wild pheasant habitat restoration project may provide suitable habitat for many of the declining species. Investigating this practice may determine that warm season grass fields can benefit wildlife as well as farmers.

*Sponsor:* California University—Dr. Wm. Giuliano

*Cost:* \$9,840

- *Title:* Radiotelemetry study of experimental recolonization of an Allegheny woodrat

*Objective:* Radio-collared Allegheny woodrats will be released at Waggoners Gap, Cumberland County where the woodrat population was recently extirpated. Radiotelemetry will allow documentation of the fates of the experimental recolonizers so as to evaluate hypoth-

eses for causes of Allegheny woodrat decline in PA and to assess artificial recolonization as a conservation practice for this species.

*Justification:* Causes for the decline of the Allegheny woodrat are still unclear. Our years of background at this site set us up well to assess the fate of an experimental recolonization and use it to understand which factors are acting in woodrat decline.

*Sponsor:* Dickinson College—Janet Wright

*Cost:* \$4,135

- *Title:* Landscape modification and changes in breeding bird communities: Analysis of Breeding Bird Survey data from PA

*Objective:* Analyze breeding bird survey data from two physiographic regions of PA which differ in their rates of landscape modification: a heavily forested province in south-central PA and a rapidly urbanizing province which includes metropolitan York and Harrisburg. Quantify historic changes in landscape attributes and bird community structure between the two regions.

*Justification:* Developing a standardized methodology for assessing bird population trends and rates of landscape change at large scales may be applied throughout Pennsylvania and potentially Nationwide.

*Sponsor:* Penn State—Robert Brooks, Timothy O'Connell

*Cost:* \$26,842

- *Title:* Biodiversity Conservation of Butterflies and Skippers in PA

*Objective:* Develop and test a survey protocol for butterflies and skippers in three landscapes of central PA, determine and compare biodiversity of butterflies and skippers in three landscapes, determine seasonal and species-specific use of native and exotic nectar plants by butterflies and skippers in central PA, develop management recommendations for the biodiversity conservation of butterflies and skippers in PA.

*Justification:* Butterflies and skippers have declined over the past few decades. These organisms are not only aesthetically important, but are major plant pollinators, barometers of environmental changes, major components of the food chain, occur in a variety of habitats and landscapes and are of major interest from a biodiversity conservation perspective.

*Sponsor:* Richard Yahner

*Cost:* \$7,500

- *Title:* Avian nesting success, species diversity and guild composition in fenced and unfenced riparian habitats in southwest PA

*Objective:* To determine if fencing streams and wetlands in pastures has an effect on local bird communities.

*Justification:* Streams and wetlands provide much needed habitat for nesting and food resources. Streams with well developed vegetation, also provide corridors between fragmented woodlots. This study will be used to determine if fencing increases nesting success, species diversity, and guild composition.

*Sponsor:* California University of PA—Gary Popotnik

*Cost:* \$10,282

- *Title:* Status and Distribution of reintroduced river otter and fisher populations in PA

*Objective:* To evaluate the initial success of otters and fishers. Establish protocols for monitoring otter populations. Send a questionnaire survey to all wildlife conservation officers to obtain reports of fisher sightings and accidental captures during trapping season. Track surveys conducted during the winter throughout fisher reintroduction areas, establish protocols for monitoring reintroduced fisher populations.

*Justification:* By the early 1900's the combination of habitat loss and unregulated harvest had caused the otter and fisher populations to suffer severe declines throughout the Commonwealth. Otters are currently classified as "At Risk" and fishers as "Endangered/extirpated" in PA. Implementation of modern wildlife and habitat management programs have improved conditions and resulted in renewed potential for otters and fishers to be reintroduced. Monitoring of the reintroduced species is now required.

*Sponsor:* Penn State—Tom Serfass

*Cost:* \$33,955

- *Title:* Reintroduction of Fishers to the Allegheny National Forest in Northwestern PA

*Objective:* Obtain fishers for reintroduction from New Hampshire and New York, implement captive care and evaluation program, evaluate and monitor fates of reintroduced fishers, establish a public relations program.

*Justification:* Improved wildlife and forest management techniques have enabled State wildlife agencies to successfully reintroduce fishers to portions of their former range.

*Sponsor:* Penn State—Tom Serfass

*Cost:* \$27,741

- *Title:* Feasibility of Reintroducing Pine Martens in PA

*Objective:* Literature review into the feasibility of reintroducing pine martens into its former range, habitat evaluation, public relations program, establish a source of martens, establish trapping, transporting and caring for protocols for captive management and veterinary care.

*Justification:* Habitat with potential to support marten populations will be identified and mapped from GIS databases. Most marten populations were eliminated from the Commonwealth by the early 1900's because of unregulated harvest and cutting of forested habitats. Martens are now classified as endangered/extirpated in the State. Because of improvements in furbearer and timber management practices, conditions may be once again suitable habitat for PA.

*Sponsor:* Penn State—Tom Serfass

*Cost:* \$7,591

- *Title:* An Evaluation of the genetic composition and degree of inbreeding in PA's Elk herd—considerations for Long-term management.

*Objective:* Apply modern genetic technology to evaluate genetic diversity and levels of genetic relatedness (inbreeding) in PA's elk herd.

*Justification:* Offer practical applications for the use of population genetics in designing elk reintroduction projects and managing reintroduced elk populations

*Sponsor:* Penn State—Tom Serfass

*Cost:* \$10,642

- *Title:* Genetic Structure as an Indicator of Community Stability in Small mammal populations occurring in old-growth and managed timber habitats

*Objective:* Use genetic data to evaluate the temporal stability and spatial dynamics of small mammal assemblages occurring in a landscape mosaic of managed and old-growth forests.

*Justification:* The impact that the decline of old-growth forest has had upon wildlife species is poorly understood.

*Sponsor:* Penn State—Tom Serfass

*Cost:* \$4,368

- *Title:* Genetic Variations in Reintroduced Fishers in PA

*Objective:* Identify variable microsatellite loci in fishers, determine the initial genetic diversity and spatial structure of PA's reintroduced fisher populations using variable microsatellite loci.

*Justification:* We have been provided a rare opportunity by obtaining samples of DNA from fishers prior to their release, to assess changes in genetic parameters (inbreeding, genetic diversity, gene flow) that occur over time in this reintroduced fisher population. No molecular level genetic markers exist for fishers at this time. Genetic molecular markers will be identified for fishers. Overall monitoring will allow wildlife managers to assess, from a genetic perspective, the costs and benefits of stocking strategies used in the Commonwealth.

*Sponsor:* Purdue University—Dr. Olin E. Rhodes, Jr./Penn State—Tom Serfass

*Cost:* \$27,837

- *Title:* PA Important Bird Areas Project

*Objective:* The National Audubon Society proposes to enlist the cooperation of ornithologists, bird watchers, local Audubon chapters and other organizations and governmental agencies to identify "Important Bird Areas" (IBA in PA as a prototype for a Nationwide "IBA" program.) An IBA is critical habitat used by birds in their nesting migration cycle.

*Justification:* An IBA is a site that supplies essential habitats for one or more species of birds and which, on some basis, can be distinguished from surrounding lands. IBA's must be chosen on the basis of criteria that are substantially objective, which would be developed along with a how to manual, nominated sites, quarterly newsletter, electronic database use in GIS.

*Sponsor:* Mid-Atlantic Regional Office of National Audubon—Walter Pomeroy

*Cost:* \$25,000

#### **Projects Submitted to the WRCF for Funding in 1996**

- *Title:* Interpretative Exhibit at the Elk Viewing Area

*Objective:* Promote public awareness and appreciation of elk natural history, elk history in PA and the elk research management. To promote the elk viewing area and the watchable wildlife program in PA.

*Justification:* Elk viewing is an integral part of our watchable wildlife program. The elk viewing area allows general public to observe elk in their natural habitat in a safe manner. Currently there is no medium on site to provide the public with accurate information about what they are viewing.

*Sponsor:* Game Commission—Theresa Alberici

*Cost:* \$15,000

- *Title:* Promote Awareness of Wild Resource Conservation Fund

*Objective:* Continue promotion and awareness of PA's Wild Resource Conservation Fund. Make items available such as videos, T-shirts, posters, "Keystown Wild Notes" newsletter, and other sale items and education materials directly to the citizens of PA.

*Justification:* With a limited staff and funds keeping the WRCF in the public awareness has been difficult. This project will allow the general public to learn of the Fund's accomplishments and past and future projects directly with minimal costs.

*Sponsor:* Robert and Thelma Clark

*Cost:* \$15,980

#### **Projects Submitted which Cover Multi-Agencies for Funding in 1996**

- *Title:* Women's expedition for the environment education workshops

*Objective:* Develop a historic perspective of the environment in PA by visiting cultural sites and connecting the past to present environmental situation. Unite 28,000 members and 25 chapters of Audubon in PA, unite sister and government organizations for a common cause.

*Justification:* Recognize the role of women in environmental protection, and promote a positive role model to the young women of the Commonwealth by providing programs for Girl Scouts, Big Sisters and similar organizations.

*Sponsor:* Audubon Council of PA—Marci Mowery

*Cost:* \$15,000

- *Title:* Development of an on-line reference guide to terrestrial vertebrates of PA

*Objective:* Provide the public with an on-line, world wide web based resource for basic identification information about mammals, birds, reptiles and amphibians of PA in an easily updatable electronic form.

*Justification:* Provide public access to collection-based data on terrestrial vertebrates of PA primarily accumu-

lated over the last 100 years of the Carnegie Museum of Natural History. On-line publication of this guide would increase its availability via the Internet to the public audience using computers available in homes, schools and public libraries and reduce the cost of periodic republication of updated information.

*Sponsor:* Carnegie Museum of Natural History—Bernadette G. Callery

*Cost:* \$31,370

- *Title:* Schoolyard Habitat Facilitator Training Workshops

*Objective:* Train facilitators to conduct habitat creation and improvement workshops. Increase the number of schools with functional habitat areas. Develop an educational slide program and planting plans.

*Justification:* Schoolyard habitat areas provide a means by which teachers can meet Chapter Five requirements for environmental education. Currently the demand for workshops exceeds our ability to meet.

*Sponsor:* Audubon Council of PA—Marci Mowery

*Cost:* \$15,000

- *Title:* Biodiversity in PA: A curriculum supplement for PA Middle Schools

*Objective:* Develop and disseminate a biodiversity curriculum supplement for PA middle schools.

*Justification:* Dept. of Education survey to middle school teachers indicate that they are interested in incorporating concepts concerning biodiversity into their classroom curriculum. The Education Technical Committee of the PA Biological Survey has chosen the development and dissemination of materials for middle school teachers and students as a priority project.

*Sponsor:* PA Biological Survey—Theresa Alberici

*Cost:* \$15,000

PETER A. COLANGELO,  
*Chairperson*

[Pa.B. Doc. No. 96-1421. Filed for public inspection August 23, 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

**NOTICE TO VENDORS:** A supplemental bid to Contract 8920-06, Nonperishable Food Items (Canned and Dry), is being issued. The contract period is 6/1/96 through 5/31/97. This contract is for all using agencies. Please note, all frozen, chilled, and perishable food items are excluded/deleted from this contract. Please call (717) 787-2199 or 787-4705 or fax your request to (717) 783-6241 for a copy of the invitation to bid package.

#### Commodities

**1221216** Cleaning equipment—6 each; vacuum, wide area carpet, 28 inch wide area and 6 each carpet soil extractor, self-contained.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1223236** Clothing, individual equipment—100 M; sport, drawstring bag.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1176076** Computer products—1 each; Kingston lightening 486/NOW CPU upgrade for IBM/PS/2 model 70, 80, KTMMC64/8—8MB board for model 80, KTM-2X361-80 8 MB SIMM for model 80, KTM-0130 8 MB upgrade and 19 ea. MC66DD/8—8 MB DX2, 66 MHZ. All items are no substitute.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1052116** Educational books—various quantities of publications for a mini law library.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Montgomery County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313610** Flooring—tile, floor, vinyl composition, size: 1/8" x 12" x 12"—168 carton Teal; 240 carton Pewter; 16 pail adhesive.

**Department:** Liquor Control Board  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8217010** Lab equipment and supplies—1 each Environmental Chamber, Lab-Line Instruments Model 703A or approved equal.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1226126** Paper and printing—280 M Employer's Report for Unemployment Compensation—1st Quarter 1997; 267M; Employer's Report for Unemployment Compensation—2nd Quarter 1997.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1198126** Paper and printing—625M; Statement for Recipients Unemployment Compensation Payments.

**Department:** Labor and Industry  
**Location:** Various locations throughout the Commonwealth  
**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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### Agricultural—02

**0200-27** Contractor shall provide professional application of pesticides to roadsides or other areas as directed by the District Roadside Specialist. This work shall be performed in nine counties of Engineering District 2-0. Approximately 1,800 hours per contract year. Three persons are required with each complement. The contract will be awarded by competitive bid.

**Department:** Transportation  
**Location:** Engineering District 2-0: Centre, Clearfield, Clinton, Cameron, McKean, Potter, Elk, Mifflin, and Juniata Counties  
**Duration:** 11-1-96 to 10-31-97 with option to renew for four years  
**Contact:** Janis Miele, (814) 765-0404

**030-0281** Contractor to provide all labor, equipment and personnel to clear cut 4 to 8 acres of trees and woody vegetation according to contract specifications. A scheduled pre-bid site visit is mandatory. Date to be determined by the Department. Bid and payment are on a lump sum basis.

**Department:** Transportation  
**Location:** Columbia County, PA  
**Duration:** 30 days  
**Contact:** Michael D. Maurer, (717) 368-4224

### Demolition—11

**Contract No. FDC-020-200** Demolition of 4 existing steel I-beam bridges with stone masonry abutments; construction of 4 precast reinforced concrete box culverts with precast inlet and outlet sections. All work is located approximately 30 miles north of Montoursville off PA Route 87.

**Department:** Conservation and Natural Resources  
**Location:** Fox Township, Sullivan County, PA  
**Duration:** 90 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-010-203** Demolition of existing concrete slab bridge with stone masonry abutments, and construction of precast reinforced concrete box culvert with cast-in-place wingwalls. Work is located approximately 40 miles north of Lock Haven off Route 120.

**Department:** Conservation and Natural Resources  
**Location:** Leidy Township, Clinton County, PA  
**Duration:** 90 days  
**Contact:** Construction Management Section, (717) 787-5055

### Construction Maintenance—09

**080917** Somerset County, SR 6219 (B08).

**Department:** Transportation  
**Location:** District 9-0  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, (717) 787-5914

**Inquiry No. 30135** Contractor to provide excavation for 400 foot, 8 inch water line, and 30' x 8', 8' vault. Details available upon request.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** 11/01/96—06/30/97  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**2-3-00001** Installation of approximately 6,000 L.F. of @2S Salvage Guide rail at various locations throughout Clinton County. Materials shall be supplied by both the Pennsylvania Department of Transportation and by the Contractor. The Department shall be responsible for removal of the cable type guide rail and for any grading of shoulder stabilization prior to the placement of the guide rail. It will be the Contractor's responsibility to pick up the material and deliver it to the work sites. A field review is mandatory prior to the bid opening. There will be only one day scheduled which will include review of the guide rail locations and the guide rail material at the Stockpile locations.

**Department:** Transportation  
**Location:** District 0230, various locations within Clinton County  
**Duration:** 30 to 60 days after approval (December 31, 1996 if possible)  
**Contact:** Foster (Gus) Chapman, (717) 893-2430

### Drafting and Design—12

**CLA-160** Clarion University of Pennsylvania of the State System of Higher Education is interested in securing design services for development of detailed plans and specifications for the installation of a fiber optic network on the Clarion campus and installation of Category 5 wiring and network components within the buildings on the Clarion and Venango campuses. Firms would be expected to work within the parameters of a previously developed feasibility study for this project. Estimated project cost is \$2 million. Interested firms should submit four (4) copies of current 254 and 255 forms to: Judy McAninch, 218 Carrier Hall, Clarion University, Clarion, PA 16214. To be considered all forms must be received on or before 4:30 p.m. on September 6, 1996. A University Slatting Committee will develop a short list from applications received and a formal RFP will be mailed to these firms. The System committees disclaim any liability whatsoever as to their recommendations for further consideration. All recommendations for selection made by the Committees shall be final pursuant to the act of November, 1982, (P. L. 660, No. 188). The University encourages responses from small firms, minority and women-owned firms and those which have not previously worked for the System and will consider joint ventures which will enable these firms to participate.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion and Venango Counties, Clarion and Oil City, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**Elevator Maintenance—13**

**LAU-SER020** Contractor to provide inspection of elevators and maintenance service at State Correctional Institution at Laurel Highlands.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, Somerset County, PA 15501-0631  
**Duration:** 10/01/96 to 06/30/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Engineering Services—14**

**Project No. 96-07** "Automated Data Collection, Inventory and Analysis of Pavement Distress." The primary objective of this project is to collect and analyze pavement distress by means of some type of electronic visual image media using automated computerized technologies. A mandatory pilot project will be conducted in order to evaluate the acceptability of any pavement distress measurements. The successful contractor will be expected to analyze all the State roads in Pennsylvania. A pre-proposal conference will be held on September 10, 1996 at 10:00 a.m. in Room No. 202 of the Transportation and Safety Building in Harrisburg, PA. Detailed requirements and an RFP are available upon request. Fax requests to Suhel Wajihuddin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North 3rd Street, Harrisburg, PA; Statewide  
**Duration:** 27 months  
**Contact:** Suhel Wajihuddin, (717) 787-9213

**C69:11-FPP-103.3E** Retain surveying services to provide topographic and cross-sectional surveys in Eastern Pennsylvania. For further information, refer to the Notice Section, Retention of Engineering/Surveying Firms, located in the front of this Bulletin.

**Department:** Environmental Protection  
**Location:** Flood Protection Projects throughout Eastern Pennsylvania  
**Duration:** October 1, 1996 to December 31, 1997 w/1 year renewal option  
**Contact:** Joseph G. Capasso or Terry Zack, (717) 783-1766 or 772-0439

**C69:11-FPP-103.3W** Retain surveying services to provide topographic and cross-sectional surveys in Western Pennsylvania. For further information, refer to the Notice Section, Retention of Engineering/Surveying Firms, located in the front of this Bulletin.

**Department:** Environmental Protection  
**Location:** Flood Protection Projects throughout Western Pennsylvania  
**Duration:** October 1, 1996 to December 31, 1997 w/1 year renewal option  
**Contact:** Joseph G. Capasso or Terry Zack, (717) 783-1766 or 772-0439

**Environmental Maintenance—15**

**010 304** Complete operation of waste water and drinking water treatment facilities at the following safety rest areas located in Northwestern PA: 1) Site E (Welcome Center) I-80 WB, Mercer County, east of Ohio line. 2) Site 21 and 22 I-80 east and west, east of Exit 3. 3) Site L I-90 EB, Erie County, east of the Ohio line.

**Department:** Transportation  
**Location:** Engineering District 1-0, Northwestern PA  
**Duration:** 1 year  
**Contact:** Cindy Smith, (814) 437-4213

**BF 381-101.1** Abandoned Mine Land Reclamation of the Old Home Manor Site. Involves an estimated 1,119,300 C. Y. of grading and 136 acres of seeding. Eighty-three percent (83%) of this project is financed by the Federal Government. Federal funds available for this program total \$13 million for Pennsylvania's 1996 AML Grant.

**Department:** Environmental Protection  
**Location:** Fairfield and Ligonier Townships, Westmoreland County, PA  
**Duration:** 480 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**MR 0800-56** Roadside Mowing Group 8-97-31 M—mowing of primary and secondary highways throughout Franklin County. Specifications for this work available on request.

**Department:** Transportation  
**Location:** Franklin County, PA  
**Duration:** April 1, 1997 to March 31, 1998  
**Contact:** Ed Myers or Adrian Mahon, (717) 787-7600

**MR 0800-57** Roadside Mowing Group 8-97-71 M—mowing of primary and secondary highways in Eastern Lancaster County. Specifications for this work available on request.

**Department:** Transportation  
**Location:** Eastern Lancaster County, PA  
**Duration:** April 1, 1997 to March 31, 1998  
**Contact:** Ed Myers or Adrian Mahon, (717) 787-7600

**MR 0800-58** Roadside Mowing Group 8-97-124 M—mowing along various Limited Access and Primary highways in Adams, Cumberland and York Counties which includes US 15 and I-83. Specifications for this work available on request.

**Department:** Transportation  
**Location:** Adams, Cumberland and York Counties, PA  
**Duration:** April 1, 1997 to March 31, 1998  
**Contact:** Ed Myers or Adrian Mahon, (717) 787-7600

**Firefighting Services—18**

**LAU-SER018** Contractor to perform recharging and testing services on various extinguishing equipment plus miscellaneous supplies as required at new State Correctional Institution at Laurel Highlands.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 09/01/96 to 08/31/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Food—19**

**F-96-08** Margarine: contracts shall cover the months of August 1996 through January 1997 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** August 1996 through January 1997  
**Contact:** Pat Nichols, (412) 852-5533

**M-863** Meat and meat products; poultry and poultry products; fish; cheeses. Quantities may be obtained from facility; deliveries to be made only at facility's request.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, PA 15905  
**Duration:** October, November, December, 1996  
**Contact:** C. A. Sloan, Purchasing Agent, (814) 255-8228

**Inquiry No. 30128** Fish and fish products. Dates, specifications, quantities, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Inquiry No. 30129** Frozen fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Inquiry No. 30130** Poultry and poultry products. Dates, specifications, quantities, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Inquiry No. 30131** Juices, frozen and juice drinks/unsweetened. Dates, specifications, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Inquiry No. 30132** Miscellaneous frozen food entrees and egg products, milkshakes. Dates, specifications, quantities, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Inquiry No. 30133** Miscellaneous foods, baked items, frozen goods. Dates, specifications, quantities, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Inquiry No. 30134** Meat and meat products. Dates, specifications, quantities, special delivery instructions available upon request. For period: November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** November, December, 1996  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**Hazardous Material Services—21**

**LAU-SER017** Contractor shall furnish all labor, equipment, materials and supplies necessary for the packaging, receipt, removal, transportation, handling, storage and disposal of infectious waste material as required by new State Correctional Institution at Laurel Highlands.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 09/01/96 to 08/31/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**HVAC—22**

**0620-002** Maintenance of heating and air conditioning system. Maintenance of heating system and overhead heating and air conditioning system. Also perform emergency repairs for Maintenance District 6-2 at 401 Montgomery Avenue, West Chester, PA 19380.

**Department:** Transportation  
**Location:** Maintenance District 6-2, 401 Montgomery Avenue, West Chester, PA 19380  
**Duration:** 11-01-96 with option to renew for (4) additional 12 month periods  
**Contact:** Sandy Szupowal, (610) 436-2091

**RFI 526** Various Residence Halls Electrical Upgrade Professional Design Services. Work included under this proposed contract consists of professional design services to provide the drawings, specifications, and construction supervision necessary to advertise, award and execute construction contracts for multiple-year, three phase project for electrical system upgrade in nine buildings. Additionally, this project includes providing the infrastructure for an interdigitation cable TV system and connectivity of individual rooms to the campus computer network in compliance with EIA/TIA-568 and 569. To be responsive, firms must be located less than 300 miles from Shippensburg University. All applications submitted are subject to review by a System Slate and/or Selection Board. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. All recommendations for selection made by the Board shall be final pursuant to the act of November, 1982, (P. L. 660, No. 188). The State System of Higher Education encourages responses from small firms, minority firms, and firms which have not previously performed work for the System and will consider joint ventures which will enable these firms to participate in System professional service contracts. To be considered, firms must submit a letter of interest to the Contract Administrator enclosing the completed forms GSPSPCO-150 (Rev. 4/94) and GSPSPCO-150-S (Rev. 4/94) current within one year of the response date to the RFI. To request RFI, contact Edna Fenton, FAX (717) 530-4004 or telephone (717) 532-1121. Deadline for RFI response: 9/16/96, 4:30 p.m.; responses open 9/17/96, 2:00 p.m. Pre-proposal meeting 9/4/96, 9:30 a.m., Old Main Chapel, Shippensburg University, Shippensburg, PA 17257.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, Cumberland County, PA 17257-2299  
**Duration:** Multiple years  
**Contact:** Edna G. Fenton, (717) 532-1121

**Service Purchase Contract No. 269990** Plumbing repair/maintenance at Neshaminy State Park.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of State Parks, Neshaminy State Park, 3401 State Road, Bensalem, Bucks County, PA 19020  
**Duration:** October 1996 to June 30, 2001  
**Contact:** Regional Park Office, (215) 453-5016

**SC-96016** Vendor to provide all labor, equipment, supplies and tools needed to provide electrical services on routine and emergency basis on call as needed.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** 11/1/96 through June 30, 2000 with 1 year renewal option  
**Contact:** Joseph Libus, Purchasing Agent II, (717) 961-4318



**Project No. DGS A 251-324** Project title: Upgrade Electrical System. Brief description: replace main panelboard and selected branch circuit panelboards, replace standby generator system and replace pole mounted area lights. Electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 11, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Franklin, Venango County, PA  
**Duration:** 140 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

### Janitorial Services—23

**FM-166** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets at the Harrisburg Tactical Narcotic Unit, Team III, Water Works Building, 614 North Front Street, Harrisburg, PA. Detailed work schedule and bid must be obtained from Facility Management Division, at (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Harrisburg Tactical Narcotic Unit Team III, Water Works Building, 614 North Front Street, Harrisburg, PA 17101  
**Duration:** 10/01/96 to 06/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-167** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets at the Harrisburg Aviation Patrol Unit, Capital City Airport, New Cumberland, PA. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Aviation Patrol Unit VII-Harrisburg, Capital City Airport, New Cumberland, PA  
**Duration:** 10/01/96 to 06/30/99  
**Contact:** Deshawn Lewis or Joan Berkoski, Facility Management Division, (717) 783-5484

**FM-168** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets at the Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602  
**Duration:** 10/01/96 to 06/30/99  
**Contact:** Deshawn Lewis or Joan Berkoski, Facility Management Division, (717) 783-5484

### Lodging/Meeting—27

**X106754** Provide lodging, meals and meeting room for Bureau of Air Quality Technical Training.

**Department:** Environmental Protection  
**Location:** Within a 5-mile radius of State College, PA  
**Duration:** Through 6/30/97  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

**SPC 269991** Provide lodging, meeting rooms, and meals for the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of State Parks, for various training sessions scheduled for the Fall of 1996 and the Spring of 1997 for approximately 25–35 employees per session.

**Department:** Conservation and Natural Resources  
**Location:** State Parks, Regional Park Office No. 4, 2808 Three Mile Run Road, Perkasie, Bucks County, PA 18944  
**Duration:** June 30, 1997  
**Contact:** Regional Park Office, (215) 453-5016

**HAZ-MAT 10-96** Pennsylvania Emergency Management Agency will conduct a ten day training course in the Lewistown/Burnham area October 27–November 1, 1996 and November 3–8, 1996. Single lodging for up to 25 persons October 27–31, 1996 and up to 28 persons November 3–7, 1996. Lunch for up to 25 persons October 28–November 1, 1996 and up to 28 persons November 4–8, 1996. Lunches are to be served at 12 noon at the State Fire Academy, Lewistown, Pennsylvania each day. If interested in submitting a bid for this function, contact PEMA's Bureau of Training and Education at (717) 783-3963.

**Department:** Pennsylvania Emergency Management Agency  
**Location:** Lewistown/Burnham, Mifflin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Maurice G. Hilliard, (717) 783-3963

### Medical Services—29

**Inquiry No. 30127** Director of Medical Services at Western Center. Position must be filled by a board-certified physician who will be scheduled approximately 20 hours/week during 3 year contract period. Please contact Facility for details.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** January 1, 1997–December 31, 1999  
**Contact:** Ken Wilson, Purchasing Agent, (412) 873-3256

**LAU-SER016** Contractor to provide complete eye examinations, eye glasses and accessories to inmates on site at new State Correctional Institution at Laurel Highlands. Equipment and supplies to be provided by the Contractor.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 09/01/96 to 08/31/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**04-96** Licensed physical therapy consultants—approximately 80 hours per week. Specifications available from the Purchasing Department.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661  
**Duration:** April 1, 1997 through March 31, 2002  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**D-298** Contractor will provide Dental Laboratory Services to the inmate population at the State Correctional Institution at Mahanoy, Schuylkill County. Vendor will perform pickup and delivery services or supply prepaid mailing or UPS containers for all devices. Bid package to be requested in writing to the Purchasing Agent of the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** 1/1/97 to 6/30/99  
**Contact:** Ann M. Gavala, Purchasing Agent, (717) 773-2158

**LAU-SER015** To provide all x-ray equipment and supplies needed to include films, storage cabinets, film racks for new facility State Correctional Institution at Laurel Highlands.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 09/01/96 to 08/31/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**LAU-SER012** Provide psychiatry services to inmates at the new State Correctional Institution at Laurel Highlands for no less than fifteen hours per week. Psychiatrist agrees to provide services at Institution for no less than forty-six or more than fifty-two weeks per year. Bid on file.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 10/01/96 to 09/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**CSR-96** Vendor to supply consulting Rehab Therapists (p.t., o.t., and speech) to the Southeastern PA Veterans Center on a part-time basis.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** 11/1/96—6/30/98  
**Contact:** Ronda Millard, Purchasing Agent, (610) 948-2492

**LAU-SER021** Contractor to provide orthopedic surgery services for State Correctional Institution at Laurel Highlands. Service to be provided at the institution at an hourly rate. Specialized services requiring off-site visit at a usual customary reimbursement (UCR).

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 10/01/96 to 09/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**LAU-SER022** Contractor to provide general surgery services for State Correctional Institution at Laurel Highlands. Service to be provided at the institution at an hourly rate. Specialized services requiring off-site visit at a usual customary reimbursement (UCR).

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 10/01/96 to 09/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**RFP 950728** Request for Proposals to provide education technical assistance and service coordination with medical, health and human service professionals serving families who experience the death of an infant due to Sudden Infant Death Syndrome (SIDS). This RFP shall also include the provision of education and bereavement service to families who have experienced the death of an infant to SIDS, and the death of any child under 3 years of age who has died suddenly and unexpectedly. Provide assistance with the coordination, development, education and support of local child death review teams.

**Department:** Health  
**Location:** Statewide  
**Duration:** Three (3) years  
**Contact:** Jane Burdge, (717) 783-8143

### Photography Services—32

**RFP 97-01** Kutztown University is seeking a contractor to provide Commencement Photographic Services to graduating students and their families for each of the two (2) annual graduation ceremonies. The University has approximately 1200± graduates per year. All elements of the RFP will be considered when awarding a contract. RFP packages are available August 26, 1996. Requests for packages should be made in writing to: G. Frankhouser, Purchasing Agent, Kutztown University, Kutztown, PA 19530; or faxed to G. Frankhouser at (610) 683-4674. Bids are due not later than 2:00 p.m. on September 12, 1996.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 1996-1997 (renewable year-to-year)  
**Contact:** G. Frankhouser, (610) 683-4663

### Property Maintenance—33

**1220-96-003** Repair cracks in concrete salt storage dome (92' diameter) and paint. Greene County Dome Repair.

**Department:** Transportation  
**Location:** District 12-0, Greene County Office, Waynesburg, PA  
**Duration:** 10-1-96 to 11-27-96  
**Contact:** Liberty Hill, (412) 439-7361

**1996-1** Provide pick-up, delivery, installation, painting and welding services to official State historical markers.

**Department:** Historical and Museum Commission  
**Location:** Division of History, various counties Statewide  
**Duration:** October 1, 1996—June 30, 1997  
**Contact:** Marilyn Levin, (717) 787-8823

**KU 97-06** Kutztown University is seeking qualified firms able to paint and re-letter the exterior upper band of a 1.5 million gallon elevated water storage tank. Scope of work includes but is not limited to: all surfaces to be prepared, shall be abrasive blast cleaned according to SSPC-SP No. 7 Brush Off Blast specifications, surfaces will be primed with an epoxy mastic and the finish coat is to be a urethane, colors will match existing. Interested contractors can obtain plans/specifications from: Entech Engineering, Inc., 4 South Fourth Street, P. O. Box 32, Reading, PA 19603, telephone (610) 373-6667 for a non-refundable fee of (\$35.00) thirty-five dollars. Specifications are available August 26, 1996. There will be a pre-bid meeting on September 4, 1996 at 10:00 a.m. Bids are due September 17, 1996 by 2:00 p.m. and will be opened September 19, 1996 at 2:00 p.m. Late submissions will be returned unopened.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 45 days after notice to proceed  
**Contact:** Barbara Reitz, (610) 683-4132

**Project No. DGS A 251-349** Project title: Roof Replacement. Brief description: replace existing built-up roofing and insulation with new tapered insulation and new EPDM single ply membrane roofing and new aluminum gravel stop fascia extender. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 11, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** PennDOT, District Laboratory Facility, Swede Road and Johnson Highway, Norristown, Montgomery County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

### Real Estate Services—35

**2200** Eight (8) parking spaces to be leased from the lowest responsible bidder for a period of two (2) years with a two (2) year option, to commence on December 1, 1996. The parking spaces are to be located in the downtown area of the city, between the rivers. Parking shall be with in and out privileges with security and within reasonable proximity to the State Office Building.

**Department:** Transportation  
**Location:** Office of Chief Counsel, Pittsburgh, PA (Near the Point)  
**Duration:** Two years with two year option  
**Contact:** Michael J. Creighton, (412) 565-7555

**927A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 7,057 useable square feet of new or existing office space in Allegheny County, PA with minimum parking for thirty-six (36) vehicles, within the following boundaries: within a two (2) mile radius of the intersection of I-76 (PA Turnpike) and PA Route 28. Proposals due: October 7, 1996. Solicitation No.: 092333.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**929A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Board of Probation and Parole with 5,090 useable square feet of new or existing office space in the City of McKeesport, Allegheny County, PA, with minimum parking for twenty-two (22) vehicles, within the following boundaries: North: Lysle Boulevard; South: Ninth Street; East: Evans Avenue; West: Market Street. Proposals due: September 16, 1996. Solicitation No.: 092334.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**Sanitation—36**

**LAU-SER019** Contractor to transport and dispose of sludge and shall be responsible for all charges relating to testing, licensed hauling and completion of paperwork in accordance with regulations established by Department of Environmental Protection. Site will be State Correctional Institution at Laurel Highlands.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 11/01/96 to 10/31/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Security Services and Equipment—37**

**Fire-01** Maintenance and repair services. Contractor shall provide maintenance of Simplex fire protection systems and fire alarm equipment.

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** 01/01/97 to 12/31/99  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1000

**Vehicle, Heavy Equipment—38**

**1200-95-001** Brush cutters, sewer cleaners, cranes, dozers, excavators, backhoes, loaders (wheel track mounted), milling machine (varying widths), pavement profilers, rollers, pavers, line painting outfit, oil distributors, post pounder, bucket truck, stone chip spreaders, crusher screens, road wideners, portable patch truck, stump cutter, compactor, trucks, street sweepers, water trucks, road reclaimers, low-boys (tractor trailers), and mowers power rodger drag, 1997 Rental Equipment.

**Department:** Transportation  
**Location:** District 12-0: Fayette, Greene, Washington and Westmoreland Counties  
**Duration:** 1-1-97 to 12-31-99  
**Contact:** Liberty Hill, (412) 439-7361

**SP Bid No. 9621** Electric motor repair (approximately 60 motors). Contractor shall supply all labor and parts necessary to repair/rebuild electric motors as requested by the Hospital. All repaired motors must carry a one year warranty as to workmanship and replaced or repaired parts.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** 09/01/96 through 06/30/97  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**3500-01** To provide services for circulating parts cleaner, brake cleaner and paint gun cleaner unit rental and/or services, Statewide. For lease, installation, replenishment of solvent, removal of used solvent, transportation manpower, and service of circulating parts cleaner, brake cleaner and paint gun cleaner units. Service replenishment of solvent removal of used solvent, transportation, manpower, and service of Department owned parts cleaner units. The units must be cleaned and maintained with the replenishment and removal of solvent for locations throughout the State.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** December 1, 1996 through November 30, 1997  
**Contact:** Tonja A. Jackson, (717) 783-8914

**Miscellaneous—39**

**0400-GR** Graffiti removal from Department maintained structures and facilities on or adjacent to various State Routes within District 4-0. The removal may be from metal, concrete, stone or other types of material surfaces as required. Method of removal to be determined by contractor with Department approval. Contract shall be renewable at the prices quoted for a one year period for a total of three (3) such renewals. Contact Gerald Pronko at (717) 963-4039 for specifications and bid package.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties  
**Duration:** January 1, 1997 to December 31, 1997  
**Contact:** Gerald Pronko, (717) 963-4039

**03060712001** PCC Project. Supplier to provide materials for a split board fence. Materials necessary include split white oak boards, white oak fence rails and locust fence posts. All materials to be delivered green or air dried only. Call for bid package. Bid package lists specific dimensions and quantities and sketch of fence section being built.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067  
**Duration:** 10-31-96  
**Contact:** Joe Cameli, (215) 946-0400

**Inquiry No. 8824** Shoe repairs.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, FOB State Agency, Selinsgrove, Snyder County, PA 17870  
**Duration:** October 1, 1996 to December 31, 1999  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**20-96-03** Provide training for the Department's Member Assistance Program in Peer Support Skills, Critical Incident Orientation (debriefing) Process and Human Resource Management Presentations Preservation Maintenance Techniques. Specific training sessions will be required to separately cover the listed topics. Each participant attending the training sessions shall develop understanding and abilities in the following specific areas as required by the Member Assistance Program. Methods and benefits of preservation maintenance techniques; stress and stress management for law enforcement personnel; trauma and critical incidents in policing; communication techniques; fundamental principles of counseling; development of listening skills; and the ethics of a para-professional relationship.

**Department:** State Police  
**Location:** State Police Academy, Hershey, PA  
**Duration:** 1-1-97 through 6-30-01  
**Contact:** Corporal Antoinette M. Gilhooley, (717) 783-5590

[Pa.B. Doc. No. 96-1422. Filed for public inspection August 23, 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:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
0033-07	08/19/96	Directory Printing Co.	526,178.40
1050156-01	08/07/96	Acme Scale and Supply Company	25,989.00
1055156-01	08/08/96	Bill Deckman and Associ- ates	18,023.33
1067046-01	08/13/96	National Band and Tag	48,068.46
1070116-01	08/07/96	Nilfisk of America, Inc.	12,533.77
1084216-01	08/08/96	RX Systems, Inc.	31,350.40
1097116-01	08/08/96	General Sales Co., Inc.	27,990.00
1099226-01	08/07/96	Mail-Well En- velope Co.	7,888.30
1121146-01	08/08/96	Pro-Tech Sales	17,125.00
1151216-01	08/08/96	Allegheny Fence Const., Inc.	10,140.00
7485-02	08/21/96	Laser Tone Corp.	370,661.00
7485-02	08/21/96	M Supplies Hotline	9,427.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
7485-02	08/21/96	GA Blanco and Sons	548,650.00
7485-02	08/21/96	Richard Young Journal	18,183.00
7485-02	08/21/96	Unisys Corp.	476,603.00
7485-02	08/21/96	Xerox Corp.	568,536.00
8170080-01	08/09/96	Akzo Nobel Salt, Inc.	778,882.55
8170090-01	08/09/96	Akzo Nobel Salt, Inc.	786,554.11
8170100-01	08/09/96	Akzo Nobel Salt, Inc.	657,156.22
8171520-01	08/08/96	Terre Hill Concrete Products	46,491.00
8231170-01	08/09/96	Plasterer Equipment Co., Inc.	596,741.60
8231600-01	08/13/96	Linear Dy- namics, Inc.	288,000.00
8231610-01	08/07/96	Utilicorp, Inc.	17,849.00
9310-02	08/19/96	Resourcenet Internat- ional	2,782,994.50

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-1423. Filed for public inspection August 23, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [25 PA. CODE CH. 86]

#### New Reclamation and Remining Incentives

The Environmental Quality Board (Board) by this order amends Chapter 86 (relating to surface and underground coal mining: general). The regulations implement various remining and reclamation incentives contained in the Surface Mining Conservation and Reclamation Act (act) (52 P. S. §§ 1396.1—1396.19a).

This order was adopted by the Board at its meeting of June 18, 1996.

#### A. *Effective Date*

These regulations will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information, contact Peter T. Slack, Director, Bureau of Mining and Reclamation, Room 209 Executive House, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103 or Leigh Cohen, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection (Department) web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The final rulemaking is being made under the authority of section 4.2 of the act (52 P. S. § 1396.4b), which contains the general rulemaking authority for establishing a remining and reclamation incentive program; and under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

#### D. *Background and Summary*

The Board is revising Chapter 86 by adding a new subchapter which creates a remining and reclamation incentive program to encourage reclamation of abandoned mine lands by active coal mine operators. This program is authorized by the 1992 amendment to the act (the act of December 18, 1992 (P. L. 1384, No. 173) (Act 173)) and by the 1996 amendment to the act (the act of May 22, 1996) (P. L. 232, No. 43) (Act 43). Acts 43 and 173 also authorized funding for this program by establishing the Remining Environmental Enhancement Fund and the Remining Financial Assurance Fund.

The act, as amended by Acts 43 and 173, directs the Board to propose regulations implementing certain remining and reclamation incentives. Section 4.2(h) of the act authorizes the Board to establish an operator qualification system with standards and criteria for operators wishing to participate in the remining and reclamation incentives program (ROAP). Section 4.10 of the act (52 P. S. § 1396.4j) provides for a remining operator's assistance program (ROAP) to assist and pay for the preparation of applications for qualified operators proposing to

remine abandoned mine lands. Section 4.12 of the act (52 P. S. § 1396.4l) authorizes the Department to financially guarantee the bond obligation on remining areas for certain qualified operators who make payments to the Department. This section also identifies the Remining Financial Assurance Fund as the sole source of funds for this program. Section 4.13 of the act (52 P. S. § 1396.4m) authorizes the Department to issue bond credits to a qualified mine operator for voluntary reclamation of abandoned mine lands. The bond credit program is supported solely by the Remining Financial Assurance Fund.

Section 18(a.1) of the act (52 P. S. § 1396.18(a.1)) establishes the Remining Environmental Enhancement Fund to support the remining and reclamation incentives program including ROAP. Section 18(a.1) of the act authorizes the Department to transfer \$1 million annually into the Remining Environmental Enhancement Fund from license and permit fees and from fees, fines and penalties collected under the various coal mining acts. Section 18(a.2) of the act establishes the Remining Financial Assurance Fund to support the financial guarantees on remining areas program and the bond credit program. Section 18(a.2) of the act authorizes the Governor to transfer up to \$5 million from the allotment in section 16(a)(1) of the Land and Water Conservation and Reclamation Act (32 P. S. § 5116(a)(1)) to the Remining Financial Assurance Fund. Finally, section 18(a.3) of the act establishes qualifications which an operator must have in order to participate in the remining and reclamation incentives program.

These regulations were discussed with the Mining and Reclamation Advisory Board (MRAB). The MRAB recommended these amendments be moved to final rulemaking at its meetings on July 6, 1995, and April 25, 1996.

#### E. *Summary of Comments and Responses on the Proposed Rulemaking*

Notice of proposed rulemaking was published at 24 Pa.B. 2110 (April 23, 1994). The proposal set forth a 60-day public comment period which concluded on June 22, 1994.

The Board held one public hearing (May 26, 1994) for the purpose of accepting comments on the proposed amendments. The Department has considered the comments received at this hearing in formulating the final amendments to these regulations.

A comment and response document summarizing and responding to all comments received by the Board during the public comment period, and from the Independent Regulatory Review Commission (IRRC), was prepared by the Department and is available upon request from Peter T. Slack, whose address is identified in Section B of this Preamble.

The Department solicited and received informal comments from the Federal Office of Surface Mining (OSM) and the MRAB on this rulemaking package.

After the public comment period on the proposed amendments expired, Act 43 became effective. This act contains several corrections to technical errors in Act 173, and it authorizes several recommendations by the MRAB which revise sections 4.12 and 4.13 of the act dealing with payment in lieu of bond and bond credits, respectively. The revisions to section 4.12 of the act replaced an erroneous reference to the Remining Environmental En-

hancement Fund with the correct reference to the Remining Financial Assurance Fund, and replaced the payment in lieu of bond program with a program which financially guarantees the bond obligation of a qualified operator on remining areas. Section 4.13 of the act was amended to allow transfer of bond credits, to allow bond credits to be used a second time and to provide for termination of unused bond credits.

The following is a summary of major comments received and changes which have been made to the proposed rulemaking as a result of the comments received, as well as the effect of Act 43 on the act. The summary of comments is listed in the same order as the proposed amendments found at 24 Pa.B. 2110.

### 1. Definitions

#### *Section 86.252.*

##### a. Abandoned mine lands

Several commentators stated that the definition of "abandoned mine lands" does not clearly include bond forfeiture sites, since it is not clear whether a bond would be considered to be in effect after it has been forfeited by the operator but before the Department has received the funds.

The Board agrees. The definition of "abandoned mine lands" has been revised to specifically refer to bond forfeiture sites for which the bonds have been collected by the Department.

##### b. Remining area

One commentator stated that designation of a remining area must be done on a site specific basis according to section 4.9 of the act (52 P.S. § 1396.4i). The commentator further noted that defining a remining area under section 4.9 of the act would conflict with the intent of ROAP.

The Board finds that a definition of "remining area" is needed in order to implement ROAP (section 4.10 of the act) and the financial guarantees program (section 4.12 of the act). Sections 4.10 and 4.12 of the act allow operators to remine areas that meet certain criteria regardless of whether or not the Department has previously designated the area as suitable for remining. The section 4.9 of the act process for designating areas suitable for remining may be developed by future rulemaking.

Other commentators suggested that areas unaffected by previous mining may be needed to support the remining operation. The areas would be used for facilities such as haul roads, drainage controls, equipment storage, coal preparation and storage. These areas should be included in the remining area. IRRC recommended that the definition be amended to allow the remining area to extend beyond 300 feet if the operator can demonstrate that a larger area is needed to undertake the remining operation.

The Board agrees that in some cases unaffected lands may be needed to support remining activities. As proposed, the definition allowed additional undisturbed area if the permittee demonstrated the need for it. However, the definition of "remining area" has been clarified by specifically referring to previously undisturbed areas needed for support activities related to the remining.

In its comments, OSM expressed concern that these provisions and definitions may allow use of alternate reclamation standards on sites not eligible for alternate standards under the Federal program.

The Board points out that these amendments do not change the reclamation performance standards contained in the existing, OSM-approved coal mining program.

### c. Other terms

The definitions of "adverse opinion," "payment in lieu of bond," "percent profit before taxes to total assets" and "profit before taxes" have been deleted due to significant revisions to §§ 86.281—86.284 of the proposed amendments relating to payment in lieu of bonds. A definition has been added for "financial guarantee" in order to implement the revisions to section 4.12 of the act. Section 4.12 of the act now deals with financial guarantees for operators conducting remining. Further discussion of these changes can be found in the subsection of this Preamble dealing with financial guarantees.

### 2. Operator and project qualification.

#### *Section 86.253.*

Two commentators objected to § 86.253(a)(5) being more stringent than the act. They noted that an operator who had a single violation of one of the listed regulations would be ineligible even if the violation was corrected in a timely manner.

Subsection (a)(5) has been deleted, making the criteria in revised subsection (a) equivalent to the criteria established by the act.

In its comments, OSM suggested that an applicant for ROAP remining incentive should meet compliance as well as ownership and control requirements before the Department expends funds for assistance.

The Board notes that these requirements are contained in subsection (a)(1) which refers to the mining license including ownership and control information and subsection (a)(2) which refers to the compliance requirements for obtaining a permit. An operator must meet these requirements before being approved for ROAP.

Three commentators stated that subsection (b)(1), which requires the operator to demonstrate that the proposed activity is technologically and economically feasible, contradicts section 4.9 of the act. Section 4.9 of the act states that the Department, when designating areas suitable for remining, must make this determination. Furthermore, they note that section 4.9 of the act requires the Department to prepare a report which contains enough information to allow its use in preparation of a permit application.

The Board disagrees. The statutory authority section of the preamble for the proposed amendments specifically excluded any reference to section 4.9 of the act from this rulemaking. Additionally, the Board points out that § 86.253 reiterates the requirements of section 18(a.3) of the act. These requirements apply to any operator proposing to participate in a program funded by the Remining Environmental Enhancement Fund or the Remining Financial Assurance Fund, namely ROAP, the financial guarantees on remining areas and reclamation bond credits. The process for designating areas suitable for remining may be the subject of future rulemaking.

IRRC found that the right of entry requirements of subsection (b)(4) were similar to the right of entry requirements in §§ 86.263(1) and 86.264(b)(6)(i) (relating to eligibility for assistance; and applications for assist-

ance). IRRC recommended the amendments address the applicant's responsibility to demonstrate the right to enter, mine, and the like, in a single provision such as subsection (b)(4).

The Board disagrees with this recommendation. The Board believes that §§ 86.263(1) and 86.264(b)(6)(i) differ substantively from subsection (b)(4) and from each other. Subsection (b)(4) requires a person who wishes to utilize any of the three incentives to demonstrate his right to enter onto and affect that property by remining or reclamation and his right to remove materials as necessary to accomplish reclamation. The removal of materials and structures is not the same as mining. An example would be the removal of abandoned equipment, buildings or coal refuse. In many cases, the owners of these items may not be the landowner.

Sections 86.263(1) and 86.264(b)(6)(i) are provisions in ROAP and refer to the person's right to enter the property and mine coal under section 4(a)(2)(F) of the act. Section 86.263(1) provides notice to an operator that he must have the right to enter and mine the property to be eligible for ROAP while § 86.264(b)(6)(ii) identifies specific documents which must be included in the operator's application for assistance.

3. *Program services and application approval.*

*Sections 86.261 and 86.265.*

Two commentators recommended that the operator be given an opportunity to participate in the selection of a qualified consultant. As written, § 86.261 states that the Department will select the consultant.

Section 86.261 reflects the Department's ultimate responsibility over ROAP. However, § 86.265, which deals with application approval, has been revised to state that the operator may select a qualified consultant from the list of consultants approved by the Department.

4. *Eligibility for assistance.*

*Section 86.263.*

Several commentators found the reference to § 86.253 in this section to be confusing. Section 86.253(b)(1) requires the operator to demonstrate that the proposed activity will not result in a violation of applicable water quality standards. The commentators note that this demonstration requires submitting information equivalent to an application for permit, and that the purpose of ROAP is to obtain this information.

To eliminate confusion, § 86.263 has been revised to refer to § 86.253(a), which relates only to the operator's eligibility. An additional change was made to paragraph (1) to indicate that it applies specifically to the remining area.

Two commentators noted that paragraph (3) refers to abandoned mine lands or lands for which the Department has forfeited and collected reclamation bonds. They questioned its applicability to coal refuse.

The Board notes that the definition of "abandoned mine lands" specifically includes unreclaimed coal refuse. Paragraph (3) has been further revised by the deletion of superfluous wording.

5. *Applications for assistance.*

*Section 86.264.*

Three commentators were concerned that under this section the Department would be paying a consultant to

obtain information and prepare reports while section 4.9 of the act clearly states that the Department will prepare the report.

The Board again notes that this rulemaking does not address section 4.9 of the act which deals with designating areas suitable for remining. Furthermore, section 4.10 of the act clearly directs the Department to pay for this information. Other changes were made to this section to indicate that these requirements apply specifically to the remining area.

6. *Notice*

*Section 86.266.*

Under this section, the Department will inform the applicant if the application for assistance is denied. One commentator was concerned about the operator's right to redress for losses if the application is rejected or delayed due to unacceptable work by a consultant not chosen by the operator.

The Board believes that this commentator is confusing the application for assistance with a permit application. Section 86.266 deals only with the application for assistance under ROAP. The mine operator is responsible for preparing this application. Once the application for assistance is approved and a consultant selected, the consultant is responsible for obtaining specific information for use in a permit application. The Department will make sure that this information is of adequate quality before the consultant is paid. Additionally, under revised § 86.265 (relating to application approval) the operator will select the qualified consultant to perform the services.

An additional change was made to subsection (c) to clearly indicate its applicability to the remining area.

7. *Basic qualifications for consultants and laboratories.*

*Section 86.269.*

Three commentators stated that the analytical laboratory performing ROAP work should be properly certified.

The Board believes this concern is already addressed. In order to participate in ROAP, a laboratory must demonstrate to the Department's satisfaction that it meets the applicable requirements of subsection (a).

Since subcontracting laboratory services is allowed, several commentators requested that subcontracting the services of other specialists such as biologists, hydrologists, chemists, and the like, should also be allowed.

The Board agrees with the suggestion. Subsection (b) has been redrafted to allow consultants to subcontract various specialties in addition to laboratory services.

Subsection (a)(6)(iv) contains a reference to the Department's *Overburden Sampling and Testing Manual*. One commentator objected to this publication stating that, unless the Board intends to proceed with rulemaking for overburden analysis, subsection (a)(6)(iv) should be deleted.

The document identified in the proposed regulation and titled *Overburden Sampling and Testing Manual* describes sampling and analytical procedures for overburden testing. The commentator had confused this document with a proposed Department manual for interpreting overburden analysis data as a means of predicting the occurrence of acid mine drainage. The commentator later withdrew his objection to the document identified in the regulation.



### 8. *Operator liability.*

#### *Section 86.270.*

Two commentators expressed concern with subsection (a)(4) which requires an operator to reimburse the Department for services performed under ROAP if the operator fails to mine within 3 years of obtaining a permit. They noted that there are many factors beyond the operator's control which could result in an operator failing to meet this requirement and that the act has no such requirement.

A similar concern was expressed over subsection (a)(5), which requires reimbursement if the operator sells, transfers or assigns the permit to an operator who does not qualify under § 86.253. One commentator suggested that if a provision to prevent fraud is necessary, this subsection should be redrafted to provide that an operator must reimburse the Department if the operator knowingly transfers the permit to an operator who does not meet the qualifications in § 86.253 and fails to complete the reclamation plan in the transferred permit.

While the act contains no specific provisions concerning reimbursement for ROAP services, sections 4.2(h) and 18(a.3) of the act provide the Department with the authority to establish a program which includes provisions for protecting funds and accomplishing reclamation in a timely manner. The requirement to begin mining within 3 years of receiving a permit utilizing ROAP funds is consistent with § 86.40(b) (relating to permit terms), which relates to permit terms. Section 86.40(b) states that a permit shall terminate if coal mining activities have not begun within 3 years. If the expected remining will not be initiated in a timely manner, the money spent by the Department should be returned for others to use. This same provision is also found in the small operator assistance program (SOAP) in § 86.94 (relating to applicant liability). Since ROAP and SOAP are similar programs in services provided and since SOAP has operated effectively for many years, the Board has not changed this section.

The Board also rejects the suggestion to require reimbursement only if the operator knowingly transfers the permit to an unqualified operator. It would be impossible for the Department to determine if the first operator knew that the successor was not qualified. This requirement does not prevent the transfer of a permit obtained with ROAP money. It merely requires the operator who sells the permit to reimburse the Remining Environmental Enhancement Fund if the new operator is not qualified to participate in the remining and reclamation incentives program.

### 9. *Financial guarantees to insure reclamation—general.*

#### *Section 86.281.*

During proposed rulemaking, § 86.281 was entitled "Financial assurance for payment in lieu of bond-general." As a result of the Act 43 amendments to section 4.12 of the act, this section has been retitled and revised.

The phrase "financial guarantees" replaces payment in lieu of bond as a better descriptor of the program. The latter phrase may have suggested that § 86.143 (relating to requirement to file a bond) would not apply to remining areas under this program. The new wording more accurately represents the money reserved for an operator in the special account in the Remining Financial Assurance Fund as a financial guarantee which can be used for the operator's bonding obligation under § 86.143.

Act 43 also revised the basis for determining the total amount of guarantees which may be supported by the special account in the Remining Financial Assurance Fund. The total amount is to be determined by the Department on a loss reserves basis established by the historical rate of mine operator bond forfeiture with a reasonable margin of safety. In other words, the total amount of guarantees which can be issued will equal the amount of money in the special account divided by the sum of the forfeiture rate and margin of safety. The forfeiture rate for permits issued since 1985 has been approximately 6%.

Section 86.281 has been further revised for clarity and as recommended by the MRAB. This section now limits the total amount from the special account which may be reserved per permit to 10% and per operator to 30%.

### 10. *Participation requirements.*

#### *Section 86.282.*

The general consensus among the commentators was that under the proposed requirements for participation, very few, if any, operators would qualify. Many believed that the proposed paperwork requirements alone were onerous enough to cause any operators who could qualify to avoid the program. An example of one specific problem was basing operator eligibility on a profit ratio of 6.2% over each of the past 5 years. The commentators have suggested that this requirement would have eliminated many financially sound companies from participation.

Another comment was that this section required statements from a certified public accountant (CPA) for the current and preceding 5 years. Several commentators believe that this may be an unreasonable expense for small operators who do not otherwise need the services of a CPA.

The Board has reconsidered and eased the financial standards for participation in this program. The ratio of profit before taxes to total assets has been removed from the financial test. The remaining criteria must be met only at the time the operator applies for participation or for an increased level of participation in the program. The requirement to meet these criteria on an annual basis has been removed. Financial statements from an officer of the operator's bank or the person who manages the operator's accounts will be accepted.

The MRAB recommended that, in addition to meeting certain financial criteria, an operator wishing to participate in this program should demonstrate 5 years of experience in coal mining and reclamation. This requirement has been added to subsection (a)(1).

One commentator asked if the eligibility test at subsection (a)(2) should consider the denial of coverage by surety companies as opposed to the ability to obtain coverage. He noted that surety bonds were not readily available to many surface coal mine operators.

The Board does not agree. Section 4.12(a) of the act requires consideration of an operator's eligibility "...such as financial tests and criteria..., including factors indicative of an operator's ability to complete reclamation and payments into the fund..." The Board's understanding of this language, as well as the interpretation of the MRAB is that this program is to be limited to operators who are financially capable of making the annual payments and completing the reclamation. One test of this is an ability to obtain a surety bond. Denial of coverage by a surety company suggests that the operator may not be finan-

cially able to complete reclamation and make the annual payments to the Remining Financial Assurance Fund.

The Board has accepted an MRAB suggestion to revise subsection (a)(2) to include an ability to obtain a letter of credit collateral bond on the portion of the permit area which does not involve remining.

In its informal comments on the proposed § 86.282, OSM suggested the following terms be defined: "current assets," "total assets," "current liabilities" and "total liabilities." The OSM also asked what is meant in subsection (a)(2) by the phrase "...the remaining permit area."

The Board does not see the need to define "current assets," "total assets," "current liabilities" and "total liabilities." These terms have a standard usage within the financial world.

Remining will be conducted under a surface coal mining permit. The Board believes that many permits which involve remining will also include the mining of areas which do not qualify as remining areas. Therefore, the remaining permit area is that portion of a permit area which is outside of the remining area.

11. *Procedures.*

*Section 86.283.*

The commentators have said that the proposed fee of 2.5% of the average per acre cost for the Department to reclaim the mine site will not provide an economic incentive to participate in this program.

The Board agrees with this comment. The rate for determining the annual payments has been changed to 1% of the amount of bond which would have been required under normal bonding procedures.

IRRC commented that during a discussion of these amendments, the Department said that its average estimated cost to reclaim an acre of abandoned mine land is \$7,000. However, under the regular bonding program and under § 86.145 (relating to Department responsibilities), the cost is \$3,000 per acre for areas being mined and \$1,000 per acre for support areas. IRRC recommended the Board either establish a single reclamation cost or provide a convincing argument for maintaining two different reclamation amounts.

The comment appears to indicate a misunderstanding of the bonding program. The coal mining bonding program consists of a per acre bond which is returned upon successful reclamation and a per acre reclamation fee which is nonreturnable. The bond is posted at a rate of \$3,000 per acre for areas to be mined and \$1,000 per acre for areas which support the mining operation. The reclamation fee is deposited into the Surface Mining Conservation and Reclamation Fund and is used to supplement forfeited bonds. Since the actual average cost to reclaim a forfeited site is approximately \$7,000 per acre, when a forfeiture does occur, the fees make up the difference between the actual cost of reclamation and the bonds posted for the site.

12. *Forfeiture.*

*Section 86.284.*

One commentator objected to the provision in subsection (d) which requires substitution with regular bonds if the program be discontinued. The commentator noted that section 4.12 of the act does not require replacement with regular bonds and that to do so would discourage participation.

The Board agrees and has revised this section to allow outstanding obligations on the special account to remain in effect.

In addition, the Board finds that further revisions are necessary. Act 43 extends the bond obligations which may be placed on the financial guarantees special account beyond the monetary value of the account. As a result, the Department may not be able to discontinue the program until the special account is overextended. To prevent this situation from occurring, a provision has been added to § 86.284 allowing the Department to suspend additional participation in the program if a certain number of participating permits should undergo bond forfeiture. This number is based on the historical rate of coal mining bond forfeitures. The suspension would remain in place until the money lost from the special account to forfeiture is replaced through annual payments.

The Board also has revised subsection (d) by replacing the ambiguous phrasing "subject to forfeiture" with the term "declared forfeit." The latter denotes a specific, observable action.

13. *Financial assurance for bond credit-general.*

*Section 86.291.*

In their informal comments, the OSM, the MRAB and others suggested that the bond credit payment cap of \$3,000 per acre would entice few operators to reclaim abandoned mine lands.

The Board agrees and has raised the amount of the bond credit to the lesser of the operator's cost or the Department's cost to reclaim the project area.

14. *Procedures and requirements.*

*Section 86.292.*

Three commentators questioned the need for the operator to provide an estimate of the cost of reclamation. The operator already has to meet the requirements of § 86.253(b)(1) by demonstrating that the project is technologically and economically feasible.

Section 4.13 of the act specifically states that the Department will require the operator to submit an estimated cost of reclamation along with the proposal to reclaim when applying for a bond credit. The operator's estimated cost of reclamation will be used to determine the amount of the bond credit to be earned. The operator's proposed reclamation plan will provide the demonstration that the project is technologically and economically feasible as required by § 86.253(b)(1).

Section 86.292(b) allows the Department to require a performance bond to ensure that the operator completes the reclamation as proposed. Two commentators recommended suspending the requirement for a performance bond if the reclamation work is adding to or creating offsite detrimental impacts. IRRC recommended rewriting § 86.292 to allow an operator to submit amendments to the reclamation plan subject to Departmental approval.

The Board disagrees with the recommendation to suspend the requirement for a performance bond. Offsite detrimental impacts are considered when the reclamation plan is approved. The bond only guarantees completion of the work described in the approved reclamation plan. The Board agrees with IRRC and has inserted a provision in § 86.292 to allow an operator, with Department approval, to amend the reclamation plan.

Four commentators were concerned that the bond credit agreement between the operator and the Department had

to specify a fixed completion date. Three of the commentators stated that a completion date cannot be specified because reclamation occurs after coal removal, and coal removal cannot be predicted because of market forces. IRRC expressed concern that an operator could be subject to sanctions even if there were valid reasons for a delay in completing the reclamation work. IRRC recommended that subsection (d) be amended to allow an extension for good cause.

The Board disagrees that reclamation will always occur after coal removal. Many sites can be reclaimed without coal removal. However, the Board acknowledges the uncertainty in determining a completion date. Subsection (c)(5) has been revised to allow the agreement to contain an expected completion date. The Board agrees with IRRC that, as written, the operator could be subject to sanctions even if there were valid reasons for delays in completing the work. A new subsection (d) has been written to allow amendments to the agreement, including an extension of the completion date. Section (d) of the proposed amendments will become subsection (e). The Board believes that this change will satisfy the concerns of the other commentators.

Two commentators objected to subsection (c)(3) which requires that agreements between an operator and the Department include a provision which allows the Department to assess penalties for default and a waiver of the right to appeal in the event of default. Since these agreements are voluntary no penalties should be attached. They believe that the Department is adequately protected by penal bonds. Furthermore, they noted that an operator should not be required to waive the right to appeal a decision of the Department in order to participate in this program and recommended subsection (c)(3) be deleted.

While the Board does not agree with certain aspects of the commentators' arguments, it does agree to delete subsection (c)(3). The Board, however, believes that the potential for abuse of this program is significant. Precautions are needed to minimize the possibility that an operator will redisturb an area of abandoned mine lands, decide that the cost or effort to complete reclamation as planned is unacceptable, and simply leave the area. Since redisturbance typically results in increased erosion and sedimentation, stabilization of the redisturbed area is necessary. Because performance bonds will not be posted on all projects, enforcement authority must remain as an option. This authority is provided by subsection (d) of the proposed amendments. In reference to the comment about penal bonds, the Board notes that the act provides for the posting of performance bonds. Performance bonds are not penal in nature. They only guarantee the completion of the work specified in the agreement.

To further reduce some of the impediments associated with the use of this reclamation incentive, the Board has deleted subsection (c)(4) which required the operator to remain qualified under § 86.253 from the time the reclamation agreement is signed until the bond credit was issued.

#### 15. *Issuance.*

##### *Section 86.293.*

The commentators indicated that the paperwork and time involved in obtaining a bond credit plus the limited uses and limited availability outweigh any incentive to participate.

The Board agrees that the amount of bond credit on a per acre basis must be increased if participation in this

program is to be encouraged. Reference to the amount of the bond credit has been deleted from § 86.293, and § 86.291 has been rewritten to make the bond credit equivalent to the lesser of the operator's cost or the Department's cost to reclaim the project area. The Board does not agree with the statement that paperwork is excessive. There must be some assurance that the reclamation work is well defined, that it accomplishes good reclamation and that the public interest is protected.

#### 16. *Uses and limitations.*

##### *Section 86.294.*

This section has been revised to implement suggestions made by the MRAB. These changes are authorized by the Act 43 amendments to section 4.13 of the act. A new subsection (b) has been added which allows bond credits to be used a second time. Proposed subsection (d) has been rewritten to allow bond credits to be transferred as allowed by Act 43. Subsection (h) has been added which sets a 5-year limit on the length of time a bond credit may remain unused.

#### F. *Benefits, Costs and Compliance.*

Executive Order 1996-1 requires a cost/benefit analysis of the final regulations.

##### *Benefits*

The reining and reclamation incentives established by these regulations are intended to encourage active coal mine operators to reclaim abandoned mine lands and thereby improve the environment and enhance land value. Operators who participate could benefit from financial assistance for the collection of data for permit applications and through bonding incentives.

##### *Compliance Costs*

The regulations impose no mandatory costs, direct or indirect, on coal mine operators. However, operators who choose to avail themselves of the reining and reclamation incentives will find additional forms, reports, paperwork and, in some cases, engineering costs beyond that normally required for a coal mining activity permit. The incentives provided by these regulations should more than offset these costs.

Administration of these regulations will place additional workload and costs on the Department. There will be no additional costs imposed on local government or the general public.

##### *Compliance Assistance Plan*

No compliance assistance plan has been developed. These regulations place no additional regulatory requirements on the coal mining industry. The new regulations establish procedures and qualifications for the operators who voluntarily choose to participate in the reining and reclamation incentives programs. When the incentives become available, the Department plans to provide notice to all licensed coal operators. Roundtable meetings will be held to help coal operators, their consultants and the public understand these incentives.

##### *Paperwork Requirements*

These regulations will result in three new programs. Each will require application forms, recordkeeping and reporting. The three programs are reining operator's assistance for data collection, financial guarantees for bond obligations on reining areas and bond credits for voluntary reclamation of abandoned mine lands.

G. *Sunset Review Date*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which it were intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 5, 1994, the Department submitted a copy of the notice of proposed rulemaking published at 24 Pa.B. 2110 to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of comments received as well as other documentation.

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

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee on July 10, 1996, and were deemed approved by the Senate Environmental Resources and Energy Committee on July 10, 1996. IRRC met on July 18, 1996, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.

I. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking 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 regulations promulgated thereunder 1 Pa.Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 24 Pa.B. 2110.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of the Preamble.

J. *Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa.Code Chapter 86, are amended by adding §§ 86.251—86.253, 86.261—86.270 and 86.281—86.295 to read as set forth in Annex A.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAMES M. SEIF,  
*Chairperson*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 3776 (August 3, 1996).)

**Fiscal Note:** Fiscal Note 7-265 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL**

**Subchapter J. REMINING AND RECLAMATION INCENTIVES**

**GENERAL PROVISIONS**

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**ROAP**

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**BONDING INCENTIVES**

86.281.	Financial guarantees to insure reclamation—general.
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86.284.	Forfeiture.
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86.292.	Procedures and requirements.
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**GENERAL PROVISIONS**

**§ 86.251. Purpose.**

This subchapter provides incentives to encourage qualified operators to undertake reclamation and remining of abandoned mine lands and bond forfeiture sites for the purpose of eliminating hazards to human health and safety, abating pollution of surface and groundwaters and the contribution of sediment to adjacent areas, restoring land to beneficial uses and recovering remaining coal resources.

**§ 86.252. Definitions.**

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

*Abandoned mine lands*—For the purposes of this subchapter, unreclaimed lands affected by surface or underground coal mining or coal refuse disposal activities, including bond forfeiture sites for which the bonds have been collected by the Department.

*Act*—The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a).

*Bond credit*—A specified amount of money reserved by the Department in the Remining Financial Assurance Fund under section 4.13 of the act (52 P. S. § 1396.4m) to be used by an operator to meet the bonding requirements of section 4 of the act (52 P. S. § 1396.4).

*Financial guarantee*—A specified amount of money reserved by the Department in the Remining Financial Assurance Fund for a qualified operator's permitted remining area as authorized by section 4.12 of the act (52 P. S. § 1396.4l).

*Qualified consultant*—A designated public agency or private consulting firm which the Department has found capable of providing the services of ROAP.

*Qualified laboratory*—A designated public agency or private analytical laboratory which the Department has found capable of providing the services of ROAP.

*ROAP*—Remining Operator's Assistance Program.

*Remining*—Reaffecting and reclaiming abandoned mine lands, under a coal mining activity permit, which exhibit one or more of the following features:

(i) Highwalls, spoil piles, abandoned buildings and structures, unsealed deep mine openings, subsidence features or safety hazards.

(ii) Exposed or unvegetated coal refuse.

(iii) A source of excess settleable solids to stream flow.

(iv) A source of mine drainage pollution to surface or groundwaters.

(v) Pollution abatement areas as that term is defined in §§ 87.202 and 88.502 (relating to definitions).

*Remining area*—An area of land on which remining will take place, including that amount of previously undisturbed area up to 300 feet from the edge of the unreclaimed area which must be affected to achieve a final grade compatible with adjacent areas. Additional undisturbed land may be within a remining area if the permittee demonstrates that a larger area is needed to accomplish backfilling and grading of the unreclaimed area or is needed for support activities for the remining activity.

*Tangible net worth*—Total assets minus intangibles such as goodwill and rights to patents or royalties.

### § 86.253. Operator and project qualification.

(a) To participate in the remining and reclamation incentives program established by this subchapter, a coal mining operator shall demonstrate that:

(1) The operator holds a valid coal mining license issued under section 3.1 of the act (52 P. S. § 1396.3a).

(2) The operator, a related party, a person who owns or controls the operator or a person who is owned or controlled by the operator, satisfies the requirements of § 86.37(a)(8)—(11) and (16) (relating to criteria for permit approval or denial).

(3) The operator, a related party, a person who owns or controls the operator or a person who is owned or controlled by the operator, has no liability for reclamation or pollution at the proposed abandoned mine site.

(4) The operator's past history of compliance with environmental laws does not indicate a lack of intention or ability to comply with those laws or the regulations promulgated thereunder.

(b) For a project to be approved for reclamation under the remining and reclamation incentives program, the operator shall demonstrate that:

(1) The proposed activity is technologically and economically feasible at the proposed abandoned mine lands site and will not result in a violation of applicable effluent limitations or water quality standards.

(2) When applicable, the operator has submitted a mining permit application to the Department clearly indicating which areas the operator intends to remine and which areas, if any, are to be mined for the first time.

(3) When applicable, the operator has accurately calculated the amount of bond that would be needed to cover the area to be remined and the amount needed to cover the initial area of remining.

(4) The operator has the right to enter onto and affect the property and, if applicable, the right to remove structures or materials, including soil, spoil, rock, coal or coal refuse.

## ROAP

### § 86.261. Program services.

To the extent that funds are available in the Remining Environmental Enhancement Fund and in response to a request from a qualified remining operator, the Department will:

(1) Select and pay a qualified consultant to:

(i) Provide, in accordance with Chapter 87, Subchapter C and §§ 88.21—88.27 and 88.29—88.33, a description of the existing resources within and adjacent to the proposed remining area that may be affected by the proposed surface coal mining activities.

(ii) Determine the probable hydrologic consequences of the proposed surface coal mining activities on the proposed remining area and adjacent area as remining areas are defined in § 86.252 (relating to definitions), in accordance with §§ 87.69 and 88.49 (relating to protection of hydrologic balance).

(iii) Prepare a statement of the results of test borings or core samplings in accordance with §§ 87.44 and 88.24 (relating to geology description; and geology).

(iv) Prepare a detailed description of the proposed surface coal mining activities showing the manner in which the proposed remining area will be mined and reclaimed in accordance with §§ 87.54, 87.61—87.63, 87.65—87.84, or 88.41—88.44 and 88.46—88.62.

(2) Collect and provide general hydrologic information on the basin or subbasin watershed areas within which the proposed surface coal mining will occur. The information provided shall be limited to that required to relate the basin or subbasin hydrology to the hydrology of the proposed remining area.

### § 86.262. Department responsibilities.

The Department will:

(1) Review requests for assistance and determine eligibility for assistance.

(2) Develop and maintain a list of qualified consultants and laboratories in accordance with § 86.269 (relating to basic qualifications for consultants and laboratories), se-

lect consultants and laboratories to perform program services and pay for services rendered.

(3) Conduct periodic evaluations of the program activities with the remining operator and consultant.

**§ 86.263. Eligibility for assistance.**

An operator is eligible for assistance if the requirements of § 86.253(a) (relating to operator qualification) are met and the operator:

(1) Has a legal right to enter and commence mining within the proposed remining area.

(2) Intends to apply for a permit and to conduct surface coal mining activities and reclamation within the proposed remining area.

(3) Proposes to remine an area which contains abandoned mine lands.

**§ 86.264. Applications for assistance.**

(a) Persons wishing to receive assistance shall file an application for remining operator assistance with the Department.

(b) The application shall contain the following information:

(1) A statement of intent to file a permit application under this chapter and to conduct the proposed surface coal mining and reclamation activities on the proposed remining area.

(2) The names and addresses of:

(i) The intended permit applicant.

(ii) The intended contract operator, if different from the applicant.

(iii) Controlling interests in accordance with § 86.62 (relating to identification of interests).

(3) The mining license number of the applicant and contract operator identification number, if applicable.

(4) A description of:

(i) The coal to be mined and the method of coal mining activities proposed.

(ii) The number of acres of remining area and the number of acres of abandoned mine land in the proposed remining area.

(iii) A general statement of the probable depth and thickness of the coal resource or a general statement of the percentage and quality of recoverable coal contained in the coal refuse.

(5) A United States Geological Survey topographic map or facsimile thereof of 1:24000 scale or larger which clearly shows:

(i) The area of abandoned mine land to be affected and the natural drainage area above and below the proposed remining area.

(ii) The names of property owners within the proposed remining area and of adjacent lands.

(iii) The location of existing structures and developed water sources within the proposed remining area and adjacent lands.

(iv) The location of existing and proposed test borings or core samplings and the location and extent of known workings of surface and underground mines.

(6) Copies of documents which show:

(i) The applicant has a legal right to enter and commence surface coal mining within the proposed remining area.

(ii) A legal right of entry has been obtained for Department, consultant and laboratory personnel to inspect the lands proposed to be mined and adjacent lands which may be affected in order to collect environmental data or install necessary instruments in accordance with § 86.64 (relating to right of entry).

(c) The application shall be attested by a notary public and signed by an officer, partner or owner of the company.

**§ 86.265. Application approval.**

(a) If the Department finds that the applicant is eligible for assistance, and it is not aware of information that would preclude issuance of a surface coal mine activities permit to the applicant for mining in the area proposed, it will:

(1) Determine the minimum data requirements necessary to meet the provisions of §§ 86.261 and 86.267 (relating to program services; and determination of data requirements).

(2) Provide the applicant with a list of qualified consultants.

(b) The applicant may select the services of one or more qualified consultants or qualified laboratories, subject to the approval of the Department, to perform the required data collection, analyses and the preparation of maps, cross sections and reports.

(c) The granting of assistance under this program will not be a factor in the Department's decision on a subsequently filed surface coal mine activities permit application.

**§ 86.266. Notice.**

(a) If the application for assistance is approved, the Department will provide the applicant a copy of the appropriate work orders for the services to be provided and the final approved report.

(b) The Department will inform the applicant in writing if the application for assistance is denied and the reasons for denial.

(c) The applicant shall immediately notify the Department and the designated consultant if at any time the applicant becomes aware of circumstances which could preclude the issuance of a permit to the applicant for the proposed remining area.

**§ 86.267. Determination of data requirements.**

(a) The Department will determine the data collection requirements needed to meet the objectives of the program for each applicant or group of applicants.

(b) The data requirements will be based on:

(1) The extent of currently available hydrologic and overburden analysis data for the applicable area.

(2) The data collection, analysis and evaluation requirements of this chapter and either Chapter 87 or Chapter 88 (relating to surface mining of coal; and anthracite coal), whichever is applicable.

**§ 86.268. Public records; evidence.**

Upon approval of the ROAP project report submitted by the consultant, the data collected under this Program shall be made available to interested persons.

**§ 86.269. Basic qualifications for consultants and laboratories.**

(a) To be designated as a qualified consultant or qualified laboratory, the consultant or laboratory shall demonstrate that it:

(1) Is staffed with experienced, professional personnel in the fields of hydrology, mining engineering, aquatic biology, geology and chemistry applicable to the work to be performed as either a consulting firm, analytical water laboratory or analytical overburden laboratory.

(2) Is capable of collecting necessary field data and samples.

(3) Has adequate space for stationary equipment, material preparation, cleaning and sterilization of necessary equipment, and storage and space to accommodate periods of peak workloads.

(4) Meets the requirements of the Occupational Safety and Health Act of 1970 (29 U.S.C.A. §§ 651—678).

(5) Has the financial capability and business organization necessary to perform the work required.

(6) Has analytical and monitoring equipment capable of meeting the applicable standards and methods contained in:

(i) The current edition of *Standard Methods of the Examination of Water and Waste Water*, prepared and published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation. (American Public Health Association, 1015 Fifteenth Street, N.W., Washington, DC 20005).

(ii) The current edition of the *Environmental Protection Agency (EPA) Methods for Chemical Analysis of Water and Wastes*, as amended. The standards contained therein are incorporated by reference.

(iii) The EPA standards as described in 40 CFR Part 136 (relating to guidelines establishing test procedures for the analysis of pollutants).

(iv) The Department's *Overburden Sampling and Testing Manual*.

(7) Has the capability of making hydrologic field measurements and analytical laboratory determinations by acceptable hydrologic, engineering or analytical methods or by those appropriate methods or guidelines for data acquisition recommended by the Department.

(b) The qualified consultant shall be capable of performing the services under § 86.261 (relating to program services). Subcontractors may be used to provide the services required if the subcontractor is identified by the qualified consultant and approved by the Department.

**§ 86.270. Operator liability.**

(a) The operator shall reimburse the Department for the cost of the services performed under this subchapter, including interest from the date the Department demands reimbursement, if the operator does one of the following:

(1) Submits false information.

(2) Fails to provide the services required to complete the permit application, including submission of reclamation bond.

(3) Fails to submit a complete surface mine activities permit application within 1 year from the date of receipt of the approved consultant report, unless the report indicates that the application is not approvable for technical reasons.

(4) Fails to mine within 3 years after obtaining a permit.

(5) Sells, transfers or assigns the permit to an operator who does not meet the requirements of § 86.253 (relating to operator and project qualification).

(b) If the operator fails to reimburse the Department under subsection (a), licenses and permits may be suspended by the Department.

(c) If funds allocated for the services are less than those required to pay for the services, the operator is responsible for costs exceeding the amount of funds allocated for the services provided to the operator.

(d) The Department may waive the reimbursement requirement of subsection (a) if the operator demonstrates one of the following:

(1) The consultant and laboratory reports indicate that mining could have potentially adverse environmental impacts.

(2) The application for a mining permit is denied as a result of potentially adverse environmental impacts or other technical reasons beyond the operator's control.

(3) Other factors are identified which would preclude mining of the site, and the operator does not intend to file a mine permit application.

**BONDING INCENTIVES**

**§ 86.281. Financial guarantees to insure reclamation—general.**

(a) In the Remining Financial Assurance Fund there is a special account providing financial guarantees for qualified operators who conduct remining. Funds in this special account may be used to financially assure bonding obligations under § 86.143 (relating to requirement to file a bond) of a qualified operator engaged in remining.

(b) The financial guarantee applies to remining areas approved by the Department. Operators who wish to participate in this program shall demonstrate, for each permit, their eligibility under §§ 86.253 and 86.282 (relating to operator and project qualification; and participation requirements).

(c) For each approved permit of an eligible operator for a remining area, the Department will reserve a portion of the financial guarantees special account in the Remining Financial Assurance Fund as collateral for reclamation obligations on the remining area. The amount of the reserve will be the average cost per acre for the Department to reclaim a mine site multiplied by the number of acres in the remining area.

(d) Department may not issue financial guarantees on a permit in excess of 10% of the then current amount in the special account in the Remining Financial Assurance Fund. The Department will not issue financial guarantees to a mine operator if the aggregate amount of financial guarantees on permits issued to the operator will exceed 30% of the then current amount in the special account in the Remining Financial Assurance Fund. The Department will not issue additional financial guarantees when the aggregate amount of outstanding financial guarantees exceeds that amount resulting from dividing the current amount in the special account in the Remining Financial Assurance Fund by the historical rate of bond forfeiture under § 86.181 (relating to bond forfeiture-general) with a margin of safety determined by the Department.

(e) Upon declaration of forfeiture, the reserved funds will be used by the Department to complete reclamation of the remining area in accordance with the procedures and criteria in §§ 86.187—86.190. If the actual cost of reclamation by the Department exceeds the amount reserved, additional funds from the Remining Financial Assurance Fund will be used to complete reclamation.

**§ 86.282. Participation requirements.**

(a) Upon completion of the technical review of a permit application and receipt of a request for bond, an operator may apply to participate in the financial guarantees program for a remining area if the requirements of § 86.253 (relating to operator and project qualification) are met. To participate in this program, an operator shall demonstrate to the Department's satisfaction one of the following:

(1) The operator would be able to post a collateral bond otherwise required by this chapter and demonstrate appropriate experience in coal mining and reclamation.

(i) The operator shall demonstrate ability to post a collateral bond by meeting the following conditions for the operator's most recently completed fiscal year and the 2 preceding fiscal years:

(A) A ratio of current assets to current liabilities of 1.5 or greater.

(B) A ratio of total liabilities to tangible net worth of 3 or less.

(ii) The operator shall submit a notarized statement signed by the operator and an independent certified public accountant (CPA), an officer of a financial institution with which the operator conducts business or other person or entity responsible for the accounts of the operator. The statement shall list the operator's ratio of current assets to current liabilities and the operator's ratio of total liabilities to tangible net worth for the most recently completed fiscal year and the 2 preceding fiscal years.

(iii) The operator shall demonstrate appropriate experience in coal mining and reclamation by showing that he has had a coal mining license under section 3.1 of the act (52 P. S. § 1396.3a) for 5 years or the person designated by the operator to manage the operation has a minimum of 5 years of experience in coal mining and reclamation.

(2) The operator would be able to obtain a surety bond or letter of credit collateral bond otherwise required under this chapter. The operator will demonstrate this by submitting a letter of acceptance from a surety company licensed to do business in this Commonwealth and which writes bonds for reclamation of mine sites located in this Commonwealth or by submitting a surety bond or letter of credit collateral bond for the remaining permit area. The acceptance letter shall indicate the complete name and address of the surety company and state that the surety company would write the bond.

(3) The operator would be eligible to self-bond under § 86.159 (relating to self-bonding).

(b) Notwithstanding subsection (a), an operator will not be approved to participate in the financial guarantees program when the financial guarantees exceed the limits established in § 86.281(d) (relating to financial guarantees to insure reclamation—general).

(c) If an operator, CPA or other person submits false information in the financial test or falsifies other information required by this section, the operator shall be ineligible to participate in the financial guarantees pro-

gram. In addition, the operator, the CPA or other person are subject to 18 Pa.C. S. §§ 4903 and 4904 (relating to false swearing; and unsworn falsification to authorities).

**§ 86.283. Procedures.**

(a) An operator's participation in the financial guarantees program is subject to the following:

(1) Annual payments will be 1% of the total amount of the number of acres of remining area to be affected multiplied by the Department's current applicable bond rates.

(2) The first payment is due upon receipt of notice of the Department's approval of the operator's application to participate in the program. Payments shall be made annually thereafter concurrent with the license renewal or in accordance with a schedule determined by the Department.

(3) Payments are not refundable and will be deposited into the financial guarantees special account in the Remining Financial Assurance Fund to be used in case of operator forfeiture. When the special account becomes actuarially sound, excess payments may be used under section 18(a.1) and (a.2) of the act (52 P. S. § 1396.18(a.1) and (a.2)).

(4) The operator may not substitute financial guarantees for existing collateral or surety bonds.

(b) The operator is responsible for making the annual payment as calculated by the Department, until the amount of the bond is reduced or released in accordance with §§ 86.170—86.172 (relating to scope; procedures for seeking release of bond; and criteria for release of bond).

(c) An operator approved to participate in the financial guarantees program is not required to pay the per acre reclamation fee required by § 86.17(e) (relating to permit and reclamation fees) for the remining area.

(d) The Department will issue a letter to the operator specifying the amount of money in the financial guarantees special account in the Remining Financial Assurance Fund which has been reserved as collateral for the operator's reclamation obligations on the remining area. A copy of the letter will be kept in the operator's permit application file.

(e) The obligation covered by the financial guarantees program bond will be reduced or released prior to any other bond submitted by the operator to cover the reclamation obligations of that permit. This portion of the bond may not be used to cover the reclamation obligation on another section of the permit area.

**§ 86.284. Forfeiture.**

(a) Upon forfeiture under § 86.181 (relating to general), the Department will declare forfeit the amount reserved for the operator in the financial guarantees special account in the Remining Financial Assurance Fund in addition to other bonds posted by the operator to cover the reclamation obligation on the permit.

(b) The Department's declaration of forfeiture under this section does not excuse the operator from meeting the requirements of this chapter or other requirements under the act.

(c) Upon declaration of forfeiture, the Department will use the bond money and reserved funds to complete the reclamation of the mine site in accordance with the procedures and criteria in §§ 86.187—86.190.

(d) The financial guarantees program will be discontinued immediately and notice published in the *Pennsylvania*



*nia Bulletin*, if 25% or greater of the total outstanding financial guarantees are declared forfeit. If the financial guarantees program is discontinued, no additional financial guarantees may be approved. Outstanding financial guarantees will remain in effect until released under §§ 86.170—86.175.

(e) The financial guarantees program may be suspended upon notice in the *Pennsylvania Bulletin* when the number of participating permits declared forfeit is equal to that number of permits calculated by multiplying the historical rate of forfeiture plus a margin of safety times the number of permits participating in the program. No additional financial guarantees will be approved until the total amount of financial guarantees declared forfeit has been replaced through the accumulation of annual payments or by other means.

**§ 86.291. Financial assurance for bond credit—general.**

(a) In the Remining Financial Assurance Fund there is a special account providing financial assurance for the bond credit program. Funds in the special account may be used to financially assure bond obligations of a qualified operator who has voluntarily completed a reclamation project approved by the Department under the bond credit program.

(b) Under the bond credit program, the Department will reserve a portion of the bond credit special account in the Remining Financial Assurance Fund as collateral for a bond credit upon execution of the agreement for reclamation provided for in § 86.293 (relating to issuance). The amount of the reserve will be the lesser of the operator's cost of reclamation or the Department's cost of reclamation for the abandoned mine lands to be reclaimed under the agreement. The Department will not reserve funds for bond credits in excess of the amount of funds available in the special account.

(c) Upon declaration of forfeiture on a permit where a bond credit is being used, the reserved funds will be used by the Department in accordance with the procedures and criteria in §§ 86.187—86.190.

**§ 86.292. Procedures and requirements.**

(a) To apply for a bond credit a qualified mining operator shall, at a minimum:

(1) Meet the requirements of § 86.253 (relating to operator and project qualification).

(2) Submit a proposed reclamation plan for abandoned mine lands. This plan shall include provisions for water handling and erosion and sedimentation control to prevent offsite impacts from the reclamation activities.

(3) Provide an estimate of the cost of reclamation.

(4) Demonstrate that the operator, any related party or any person who is owned or controlled by the operator or who owns or controls the operator, bears no responsibility for reclamation of the area to be reclaimed, including, but not limited to, obligations under a mining permit, reclamation under section 18 of the act (52 P. S. § 1396.18) or reclamation under a contract with the Department including abandoned mine land contracts.

(b) If the proposed reclamation activities have potential for significant offsite impacts, the Department may require, as a condition of approving the proposed reclamation plan, that the operator post a performance bond at least in an amount necessary to ensure that the operator completes the reclamation as proposed. The performance

bond shall be released by the Department upon completion of the work described in the approved reclamation plan.

(c) Upon approval of the proposed reclamation plan and performance bond, if required, the Department will execute an agreement with the operator on forms prepared and furnished by the Department. At a minimum, the agreement will:

(1) Require the reclamation to be completed in accordance with the approved reclamation plan.

(2) State the bond credit amount which will be extended upon satisfactory completion of the reclamation work.

(3) Specify a date by which reclamation work is expected to be completed.

(d) The bond credit agreement may be amended or terminated at any time by mutual consent of the operator and the Department. Amendments may include changes to the approved reclamation plan, including the type and extent of reclamation, the completion and termination dates and the amount of bond credit. All areas affected by the operator's activities shall be permanently stabilized in accordance with Chapter 102 (relating to erosion control) before the agreement may be terminated.

(e) An operator who fails to complete the reclamation as specified in the agreement will be subject to enforcement action by the Department, including, but not limited to, assessment of civil penalties, license suspension or revocation, permit suspension or revocation.

**§ 86.293. Issuance.**

Upon a finding by the Department that the operator has met the terms of the agreement established by § 86.292(c) (relating to procedures and requirements) and section 4.13 of the act (52 P. S. § 1396.4m), the Department will issue a bond credit letter to the operator in the amount specified in the agreement. This amount is the amount of money in the bond credit special account in the Remining Financial Assurance Fund which has been reserved as collateral for the operator's reclamation obligation.

**§ 86.294. Uses and limitations.**

(a) An operator may apply a bond credit to an original or additional bond required under § 86.143 (relating to requirement to file a bond) for a permit issued for surface or underground mining, coal preparation or coal refuse disposal.

(b) An operator may use a bond credit or part of a bond credit on a single permit or multiple permits. A bond credit or part of a bond credit may be used two times; however, it cannot be used a second time until it is released from its first use under §§ 86.170—86.175.

(c) A bond credit may be used in combination with other types of bonds authorized by the act.

(d) A bond credit may be transferred to a qualified operator, as authorized by section 4.13 of the act (52 P. S. § 1396.4m).

(e) A bond credit may not be used to bond water loss or to bond long-term water treatment.

(f) If a discharge not meeting the effluent criteria of § 87.102, § 88.92, § 88.187, § 88.292, § 89.52 or § 90.102 develops on a permit on which a bond credit is being used, the operator shall within 90 days of receipt of written notice by the Department replace the bond credit with other types of bonds authorized by the act for that

purpose. If an acceptable bond has not been received and approved by the Department within the specified time limit, the Department will issue a cessation order for mining activities except for reclamation and other activities required to maintain the permit area.

(g) Bond credits will be released prior to any other surety or collateral bond on a permit area.

(h) A bond credit or part of a bond credit that is not used within 5 years from the date it is issued under § 86.293 (relating to issuance) or released under §§ 86.170—86.175 will expire, including bond credits that have been transferred.

**§ 86.295. Forfeiture.**

(a) Upon forfeiture under § 86.181 (relating to general), the Department will declare forfeit the amount reserved in the bond credit special account in the Remin-

ing Financial Assurance Fund in addition to other bonds posted by the operator to cover the reclamation obligation on a permit.

(b) The Department's declaration of forfeiture under this section does not excuse the operator from meeting the requirements of this chapter or the act.

(c) Upon declaration of forfeiture and collection of the bond credit, the Department will use the bond money and reserved funds to complete the reclamation of the mine site in accordance with the procedures and criteria in §§ 86.187—86.190.

[Pa.B. Doc. No. 96-1424. Filed for public inspection August 23, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Proposed Revisions to Schedule of Fees and Charges for State Recreation Areas

#### A. Summary

In accordance with applicable law the former Department of Environmental Resources established a schedule of fees for State park activities, uses and privileges. On July 1, 1995, the Department of Environmental Resources was split into two departments and the Department of Conservation and Natural Resources was created by section 313 of the Conservation and Natural Resources Act (act) (71 P. S. § 1340.313). In accordance with section 314 of the act (71 P. S. § 1340.314) and 17 Pa. Code § 11.164 (relating to fees) the Department of Conservation and Natural Resources recommends revisions to its fee schedule as contained in Section E.

#### B. Contact Persons

For further information, the contact persons are Roger Fickes, Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### C. Effective Date

This revised fee schedule will be effective following approval by the Secretary of the Department of Conservation and Natural Resources and upon publication as a notice in the *Pennsylvania Bulletin*.

#### D. Public Comments

Interested persons may submit written comments on the proposed fee revisions to Roger Fickes, Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551. Written comments must be received by October 24, 1996.

#### E. Fee Schedule

<i>Fee Title</i>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Nonresident</i>	<i>Proposed Nonresident</i>
<i>Modern Cabins</i>					
Cabin—A—Sleep 7/12—Week	Per Week	[ 292.45 ]	362.26	[ 316.04 ]	433.96
[ Cabin—A—Sleep 7/12 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 198.11 ]		[ 221.70 ]	
Cabin—A—Sleep 7/12—Friday—Saturday	Per Night	[ 73.58 ]	90.56	[ 80.19 ]	108.49
Cabin—A—Sleep 7/12—Sunday—Thursday	Per Night	[ 73.58 ]	54.71	[ 80.19 ]	65.09
Cabin—A—Sleep 6—Week	Per Week	[ 235.85 ]	290.56	[ 259.43 ]	350.94
[ Cabin—A—Sleep 6 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 141.51 ]		[ 165.09 ]	
Cabin—A—Sleep 6—Friday—Saturday	Per Night	[ 56.60 ]	72.64	[ 66.04 ]	87.73
Cabin—A—Sleep 6—Sunday—Thursday	Per Night	[ 56.60 ]	43.39	[ 66.04 ]	52.83
<i>Rustic Cabins</i>					
Cabin—C—Sleep 2/3—Week	Per Week	[ 84.91 ]	116.98	[ 103.77 ]	139.62
[ Cabin—C—Sleep 2/3 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 42.45 ]		[ 51.89 ]	
Cabin—C—Sleep 2/3—Friday—Saturday	Per Night	[ 21.70 ]	29.24	[ 25.47 ]	34.90
Cabin—C—Sleep 2/3—Sunday—Thursday	Per Night	[ 21.70 ]	17.92	[ 25.47 ]	20.75
Cabin—C—Sleep 4/5—Week	Per Week	[ 113.21 ]	158.49	[ 122.64 ]	188.68
[ Cabin—C—Sleep 4/5 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 56.60 ]		[ 61.32 ]	
Cabin—C—Sleep 4/5—Friday—Saturday	Per Night	[ 28.30 ]	39.62	[ 33.02 ]	47.17

<i>Fee Title</i>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Nonresident</i>	<i>Proposed Nonresident</i>
Cabin—C—Sleep 4/5— <b>Sunday—Thursday</b>	Per Night	[ 28.30 ]	23.58	[ 33.02 ]	28.30
Cabin—C—Sleep 6/7— <b>Week</b>	Per Week	[ 141.51 ]	196.22	[ 150.94 ]	233.96
[ Cabin—C—Sleep 6/7 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 70.75 ]		[ 75.47 ]	
<b>Cabin—C—Sleep 6/7—Friday—Saturday</b>	Per Night	[ 33.02 ]	49.06	[ 37.74 ]	58.49
Cabin—C—Sleep 6/7— <b>Sunday—Thursday</b>	Per Night	[ 33.02 ]	29.24	[ 37.74 ]	34.90
Cabin—C—Sleep 8/9— <b>Week</b>	Per Week	[ 169.81 ]	233.96	[ 188.68 ]	283.02
[ Cabin—C—Sleep 8/9 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 84.91 ]		[ 94.34 ]	
<b>Cabin—C—Sleep 8/9—Friday—Saturday</b>	Per Night	[ 42.45 ]	58.49	[ 47.17 ]	70.75
Cabin—C—Sleep 8/9— <b>Sunday—Thursday</b>	Per Night	[ 42.45 ]	34.90	[ 47.17 ]	42.45
Cabin—C—Sleep 10/11— <b>Week</b>	Per Week	[ 198.11 ]	275.47	[ 216.98 ]	332.08
[ Cabin—C—Sleep 10/11 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 99.06 ]		[ 108.49 ]	
<b>Cabin—C—Sleep 10/11—Friday—Saturday</b>	Per Night	[ 47.17 ]	68.86	[ 51.89 ]	83.02
Cabin—C—Sleep 10/11— <b>Sunday—Thursday</b>	Per Night	[ 47.17 ]	42.45	[ 51.89 ]	50.00
<i>Rustic Cabins S. B. Elliott</i>					
Cabin—C—Sleep 4/5 S. B. Elliott— <b>Week</b>	Per Week	[ 76.42 ]	86.79	[ 96.23 ]	105.66
[ Cabin—C—Sleep 4/5 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 38.68 ]		[ 48.11 ]	
<b>Cabin—C—Sleep 4/5 S. B. Elliott—Fri.—Sat.</b>	Per Night	[ 19.81 ]	21.69	[ 24.53 ]	26.41
Cabin—C—Sleep 4/5 S. B. Elliott— <b>Sun.—Thur.</b>	Per Night	[ 19.81 ]	13.20	[ 24.53 ]	16.04
Cabin—C—Sleep 6/7 S. B. Elliott— <b>Week</b>	Per Week	[ 100.00 ]	113.20	[ 120.75 ]	135.85
[ Cabin—C—Sleep 6/7 ]	[ 1/2 Week = 3 or 4 Nights ]	[ 50.00 ]		[ 60.38 ]	
<b>Cabin—C—Sleep 6/7 S. B. Elliott—Fri.—Sat.</b>	Per Night	[ 25.47 ]	28.30	[ 30.19 ]	33.96
Cabin—C—Sleep 6/7 S. B. Elliott— <b>Sun.—Thur.</b>	Per Night	[ 25.47 ]	16.98	[ 30.19 ]	20.75
Cabin—C—Sleep 8/9 S. B. Elliott— <b>Week</b>	Per Week	[ 120.75 ]	139.62	[ 140.57 ]	169.81
[ Cabin—C—Sleep 8/9 S. B. Elliott ]	[ 1/2 Week = 3 or 4 Nights ]	[ 60.38 ]		[ 70.75 ]	
<b>Cabin—C—Sleep 8/9 S. B. Elliott—Fri.—Sat.</b>	Per Night	[ 30.19 ]	34.90	[ 35.85 ]	42.45
Cabin—C—Sleep 8/9 S. B. Elliott— <b>Sun.—Thur.</b>	Per Night	[ 30.19 ]	20.75	[ 35.85 ]	25.47
<i>Camping</i>					
<b>Camping Class A</b>	Per Week	[ 70.00 ]	72.00	84.00	84.00
Camping Class A— <b>Friday—Saturday</b>	Per Night	[ 10.00 ]	14.00	[ 12.00 ]	16.00

<i>Fee Title</i>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Nonresident</i>	<i>Proposed Nonresident</i>
<b>Camping Class A—Sunday—Thursday</b>	<b>Per Night</b>	[ 10.00 ]	11.00	[ 12.00 ]	13.00
<b>Camping Class B</b>	<b>Per Week</b>	[ 56.00 ]	58.00	[ 70.00 ]	70.00
Camping Class B—Friday—Saturday	Per Night	[ 8.00 ]	11.00	[ 10.00 ]	13.00
Camping Class B—Sunday—Thursday	<b>Per Night</b>	[ 8.00 ]	9.00	[ 10.00 ]	11.00
Camping With Electricity >30 amp	Per Night Additional	3.00	3.00	3.00	3.00
Camping With Electricity ≤30 amp	Per Night Additional	2.00	2.00	2.00	2.00
<i>Camping Shelter Provided</i>					
<b>Camping Class C Sleep 2 Hut</b>	<b>Per Week</b>	[ 105.00 ]	116.00	[ 119.00 ]	134.00
Camping Class C Sleep 2 Hut—Fri.—Sat.	Per Night	[ 15.00 ]	20.00	[ 17.00 ]	23.00
Camping Class C Sleep 2 Hut—Sun.—Thur.	<b>Per Night</b>	[ 15.00 ]	19.00	[ 17.00 ]	22.00
Camping Class C Sleep 4 Hut	<b>Per Week</b>		126.00		152.00
Camping Class C Sleep 4 Hut—Fri.—Sat.	Per Night	[ 17.00 ]	23.00	[ 19.00 ]	26.00
Camping Class C Sleep 4 Hut—Sun.—Thur.	<b>Per Night</b>		20.00		25.00
<b>Camping Class C Walled Tent</b>	<b>Per Week</b>		144.00		170.00
<b>Camping Class C Walled Tent—Fri.—Sat.</b>	<b>Per Night</b>		26.00		29.00
<b>Camping Class C Walled Tent—Sun.—Thur.</b>	<b>Per Night</b>		23.00		28.00
<b>Camping Class C Yurt</b>	<b>Per Week</b>		162.00		188.00
<b>Camping Class C Yurt—Fri.—Sat.</b>	<b>Per Night</b>		29.00		32.00
<b>Camping Class C Yurt—Sun.—Thur.</b>	<b>Per Night</b>		26.00		31.00
<i>Camping Miscellaneous</i>					
Camping Backpack Laurel Ridge and Oil Creek	Per Site Per Night Per Person	[ 2.00 ]	3.00	[ 3.00 ]	4.00
Camping Backpack Laurel Ridge and Oil Creek	Maximum Per Night Per [ Person ] Group	[ 6.00 ]	8.00	[ 8.00 ]	9.00
Camping Extra Vehicle	Per Night	3.00	3.00	3.00	3.00
Camping Reduction	Per Night	[ 2.00 ]	3.00	[ 2.00 ]	3.00
For Senior Citizen and/or Persons With Disabilities					
Camping Unit Storage	Per Day	[ 2.00 ]	2.50	[ 2.00 ]	2.50
Camping Unit Storage	Per Week	8.00	8.00	9.00	9.00
Camping Equestrian	Per Night	[ 9.00 ]	15.00	[ 11.00 ]	19.00
Camper Dump Station	Per Non Registered Use	8.00	8.00	9.00	9.00
<i>Group Tenting and Group Camps</i>					
Class A Group Tent Area	Capacity ≤20 per night	[ 20.00 ]	25.00	[ 25.00 ]	35.00
	Capacity 21 to 40 per night	[ 30.00 ]	35.00	[ 35.00 ]	45.00
	Capacity 41 to 60 per night	[ 40.00 ]	45.00	[ 45.00 ]	55.00
	Capacity 61 and over per night	[ 50.00 ]	55.00	[ 55.00 ]	65.00

<i>Fee Title</i>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Nonresident</i>	<i>Proposed Nonresident</i>
	Trailer in Group Area per night	[ 10.00 ]	14.00	[ 12.00 ]	17.00
Class B Group Tent Area	Capacity ≤20 Per Night	[ 15.00 ]	20.00	[ 20.00 ]	30.00
	Capacity 21 to 40 Per Night	[ 25.00 ]	30.00	[ 30.00 ]	40.00
	Capacity 41 to 60 Per Night	[ 35.00 ]	40.00	[ 40.00 ]	50.00
	Capacity 61 and over Per Night	[ 45.00 ]	50.00	[ 50.00 ]	60.00
	Trailer in Group Area Per Night	[ 8.00 ]	11.00	[ 10.00 ]	14.00
Org. Group Camps Capacity ≤50 persons	Per Night Minimum Without Utilities	[ 55.00 ]	65.00	[ 60.00 ]	100.00
Org. Group Camps Capacity 51 to 125 person	Per Night Minimum Without Utilities	[ 60.00 ]	80.00	[ 65.00 ]	120.00
Org. Group Camps Capacity 126 person and greater	Per Night Minimum Without Utilities	[ 65.00 ]	95.00	[ 70.00 ]	140.00
<i>Marina Costs Neshaminy</i>					
Cost Per Foot of Boat	Per Season	[ 33.00 ]	50.00	[ 66.00 ]	100.00
Cost Per Foot of Boat	Per Day	[ 0.40 ]	0.50	[ 0.80 ]	1.00
Cost To Be On Marina Waiting List	Per Application Per List	[ 5.00 ]	10.00	[ 5.00 ]	10.00
<i>Marina Costs Presque Isle</i>					
Cost Per Foot of Stall	Per Season Without Utilities	[ 30.00 ]	33.00	[ 60.00 ]	66.00
Cost Per Foot of Stall	Per Day	[ 0.40 ]	0.45	[ 0.80 ]	0.90
Cost Per Foot of Stall	Per Season With Utilities	[ 33.00 ]	37.00	[ 66.00 ]	74.00
Cost For Bascomb	Per Season	[ 288.00 ]	315.00	[ 576.00 ]	630.00
Cost For Cradle <b>Summer Storage</b>	Per Season	35.00	35.00	70.00	70.00
Cost For Travel Lift	Per Lift Per Foot	[ 3.50 ]	4.00	[ 7.00 ]	8.00
Winter Boat Storage Per Foot Includes Lift	Per Season	[ 12.00 ]	14.00	[ 24.00 ]	28.00
Cost To Be On Marina Waiting List	Per Application Per List	[ 5.00 ]	10.00	[ 5.00 ]	10.00
<i>Marina Costs M. K. Goddard</i>					
"A" Docks	Per Foot Per Season	[ 14.00 ]	17.00	[ 22.00 ]	25.00
"B" Docks	Per Foot Per Season	[ 12.00 ]	15.00	[ 20.00 ]	23.00
"C" Docks	Per Foot Per Season	10.00	10.00	18.00	18.00
Cost to Be On Marina Waiting List	Per Application Per List	[ 5.00 ]	10.00	[ 5.00 ]	10.00
<i>Marina Costs Moraine</i>					
Fingerless Dock	Per Foot of Boat Per Season	[ 16.00 ]	21.00	[ 24.00 ]	28.00
Regular Finger Dock	Per Foot of Boat Per Season	[ 18.00 ]	23.00	[ 26.00 ]	30.00
Large Finger Dock	Per Foot of Boat Per Season	[ 20.00 ]	26.00	[ 28.00 ]	33.00
Off Shore Mooring	Per Foot of Boat Per Season	[ 12.00 ]	16.00	[ 20.00 ]	23.00
Dry Mooring	Per Season	[ 100.00 ]	130.00	[ 110.00 ]	150.00
Rack Spaces	Per Season	[ 45.00 ]	58.00	[ 50.00 ]	70.00
Regular Winter Storage	Per Season	[ 100.00 ]	130.00	[ 110.00 ]	150.00
Rack Winter Storage	Per Season	[ 45.00 ]	58.00	[ 50.00 ]	70.00
Dock Space	Per Foot of Boat Per Day	[ 0.35 ]	0.45	[ 0.50 ]	0.65

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<i>Fee Title</i>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Nonresident</i>	<i>Proposed Nonresident</i>
Offshore Mooring	Per Foot of Boat Per Day	[ 0.15 ]	0.20	[ 0.20 ]	0.40
Cost To be On Marina Waiting List	Per Application Per List	[ 5.00 ]	10.00	[ 5.00 ]	10.00
<i>All Other State Park Marinas</i>					
Cost Per Foot	Per Season	[ 16.00 ]	19.00	[ 24.00 ]	30.00
Daily Transient	Per Foot Per Day	[ 0.20 ]	0.30	[ 0.35 ]	0.50
Daily Transient Nockamixon 16 Feet and Greater	Per Foot Per Day	[ 0.35 ]	0.45	[ 0.50 ]	0.75
Cost To Be On Marina Waiting List	Per Application Per List	[ 5.00 ]	10.00	[ 5.00 ]	10.00
<b>[ Bald Eagle and Shikellamy ]</b>					
<b>[ Cost Per Foot ]</b>	<b>[ Per Season ]</b>	<b>[ 16.00 ]</b>		<b>[ 24.00 ]</b>	
<b>[ Daily Transient ]</b>	<b>[ Per Foot ]</b>	<b>[ 0.20 ]</b>		<b>[ 0.35 ]</b>	
<b>[ Cost To be On Marina Waiting List ]</b>	<b>[ Per Application Per List ]</b>	<b>[ 5.00 ]</b>		<b>[ 5.00 ]</b>	
<i>Other Boating</i>					
Mooring ≤7' Shoreline	Per Season	[ 35.00 to 55.00 ]	35.00 to 80.00	[ 40.00 to 60.00 ]	40.00 to 100.00
Mooring ≤7' Shoreline	Per Day \$5.00 Minimum	[ 1.00 ]	2.00	[ 1.25 ]	3.00
Mooring >7' Shoreline	Per Season	[ 70.00 to 110.00 ]	70.00 to 150.00	[ 80.00 to 120.00 ]	80.00 to 200.00
Mooring >7' Shoreline	Per Day \$5.00 Minimum	[ 1.50 ]	4.00	[ 1.75 ]	5.00
Boat Docks—Private	Per Season	[ 25.00 ]	40.00	[ 30.00 ]	50.00
Boat Launching Permit	Per Season	[ 6.00 ]	10.00	[ 7.00 ]	15.00
Boat Winter Storage	Per Season	[ 100.00 ]	110.00	[ 100.00 ]	120.00
Boating Canoe Racks	Per Season	[ 45.00 ]	50.00	[ 45.00 ]	55.00
Boating Dry Storage	Per Season	[ 100.00 ]	110.00	[ 110.00 ]	115.00
Boating Whitewater	Per Reservation	2.50	2.50	2.50	2.50
Boating Whitewater	Season Pass	[ 25.00 ]	15.00	[ 25.00 ]	15.00
<i>Miscellaneous</i>					
Abandoned Property	Base Charge	[ 25.00 ]	30.00	[ 25.00 ]	30.00
Abandoned Property	Per Day Above Base	[ 4.00 ]	5.00	[ 4.00 ]	5.00
Firewood Permit	Per Cord	10.00	10.00	10.00	10.00
Non Overnight Shower Unmetered	Per Person	2.00	2.00	2.00	2.00
Non Overnight Shower Metered	Per Person	0.50	0.50	0.50	0.50
<b>Meeting Room</b>	<b>Per Day Per Group</b>		<b>75.00</b>		<b>85.00</b>
Classroom	Per Day Per Group	[ 45.00 ]	50.00	[ 50.00 ]	55.00
Raccoon Creek	Rec. Hall Per Day	[ 100.00 ]	110.00	[ 110.00 ]	120.00
Ridley Creek	<b>[ Ballroom ] Classroom</b> Per Day	[ 150.00 ]	175.00	[ 175.00 ]	200.00
<b>[ Camping Reservation ]</b>	<b>[ Per Reservation ]</b>	<b>[ 3.00 ]</b>		<b>[ 3.00 ]</b>	
<i>Picnic Pavilions and Groves</i>					
Pavilion—A With Electric	Min. + \$ [ 5 ] 10./500 sq. ft. per day	[ 45.00 ]	50.00	[ 50.00 ]	70.00
Pavilion—B No Electric	Min. + \$ [ 5 ] 10./500 sq. ft. per day	[ 40.00 ]	45.00	[ 45.00 ]	60.00

<i>Fee Title</i>	<i>Unit</i>	<i>Current Resident</i>	<i>Proposed Resident</i>	<i>Current Nonresident</i>	<i>Proposed Nonresident</i>
<b>\$20 discount for pavilion rentals for Monday to Fridays—summer holidays excluded</b>					
Picnic Groves	Min. + \$[ 10 ]15. for Every 10 Tables above the Initial 10 Tables	[ 30.00 ]	35.00	[ 35.00 ]	50.00
<b><i>State Operated Swimming Pools</i></b>					
[ Swimming Pool Cook Forest ]	[ Week Day Rate ]	[ 1.75 ]		[ 1.75 ]	
[ Swimming Pool Cook Forest ]	[ Rate After 4 p.m. ]	[ 1.00 ]		[ 1.00 ]	
[ Swimming Pool Cook Forest ]	[ Book Of 20 Tickets ]	[ 25.00 ]		[ 25.00 ]	
Swimming Pools <b>Park Operated</b>	User Per Day	[ 2.00 ]	1.75 to 3.50	[ 2.00 ]	1.75 to 3.50
Swimming Pools <b>Park Operated</b>	Senior Citizen	[ 1.50 ]	1.50 to 2.50	[ 1.50 ]	1.50 to 2.50
Swimming Pools <b>Park Operated</b>	After 4 p.m. Daily	[ 1.50 ]	1.50 to 2.00	[ 1.50 ]	1.50 to 2.00
Swimming Pools <b>Park Operated</b>	Children Under 38" Free	0.00	0.00	0.00	0.00
Swimming Pools <b>Park Operated</b>	Book Of 20 Tickets	[ 30.00 ]	25.00 to 35.00	[ 30.00 ]	25.00 to 40.00
Swimming Pools <b>Park Operated</b>	Season Pass Adult	[ 40.00 ]	50.00	[ 45.00 ]	55.00
Swimming Pools <b>Park Operated</b>	Season Pass Under 12 Years Old	[ 20.00 ]	30.00	[ 25.00 ]	35.00
Swimming Pools <b>Park Operated</b>	Season Pass Senior Citizen	[ 30.00 ]	35.00	[ 30.00 ]	45.00
Swimming Pools <b>Park Operated</b>	Yearly Family Pass	[ 120.00 ]	135.00	[ 135.00 ]	150.00
Swimming Pools <b>Park Operated</b>	Group 15 Or More People	[ 1.50 ]	1.50 to 2.00	[ 1.50 ]	1.50 to 2.00
Swimming Pools <b>Park Operated</b>	Park Camper Or Cabin Occ. w/Receipt	[ 1.00 ]	1.00 to 2.00	[ 1.00 ]	1.00 to 2.00
Swimming Pools <b>Park Operated</b>	Nonswimming Adult Free	0.00	0.00	0.00	0.00

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 96-1425. Filed for public inspection August 23, 1996, 9:00 a.m.]