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PENNSYLVANIA BULLETIN

Volume 26
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(Master Transmittal Sheet):**

No. 261, August 1996

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Adoption of New Rules of Professional Conduct— Responsibilities Regarding Nonlegal Services; No. 260; Doc. No. 3

Order

Per Curiam:

And Now, this 14th day of August, 1996, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

1. The Pennsylvania Rules of Professional Conduct are amended by adding a new Rule 5.7 to read as set forth in Annex A hereto.

2. This Order shall be processed in accordance with Pa.R.J.A. 103(b). New Rule 5.7 shall take effect upon publication of this Order in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

LAW FIRMS AND ASSOCIATIONS

Rule 5.7. Responsibilities Regarding Nonlegal Services.

(a) A lawyer who provides nonlegal services to a recipient that are not distinct from legal services provided to that recipient is subject to the Rules of Professional Conduct with respect to the provision of both legal and nonlegal services.

(b) A lawyer who provides nonlegal services to a recipient that are distinct from any legal services provided to the recipient is subject to the Rules of Professional Conduct with respect to the nonlegal services if the lawyer knows or reasonably should know that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship.

(c) A lawyer who is an owner, controlling party, employee, agent, or is otherwise affiliated with an entity providing nonlegal services to a recipient is subject to the Rules of Professional Conduct with respect to the nonlegal services if the lawyer knows or reasonably should know that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship.

(d) Paragraph (b) or (c) does not apply if the lawyer makes reasonable efforts to avoid any misunderstanding by the recipient receiving nonlegal services. Those efforts must include advising the recipient that the services are not legal services and that the protection of a client-

lawyer relationship does not exist with respect to the provision of nonlegal services to the recipient.

Comment

For many years, lawyers have provided to their clients nonlegal services that are ancillary to the practice of law. Nonlegal services are those that are not prohibited as unauthorized practice of law when provided by a nonlawyer. Examples of nonlegal services include providing title insurance, financial planning, accounting, trust services, real estate counseling, legislative lobbying, economic analysis, social work, psychological counseling, tax return preparation, and patent, medical or environmental consulting. A broad range of economic and other interests of clients may be served by lawyers participating in the delivery of these services. In recent years, however, there has been significant debate about the role the Rules of Professional Conduct should play in regulating the degree and manner in which a lawyer participates in the delivery of nonlegal services. The ABA, for example, adopted, repealed and then adopted a different version of Rule 5.7. In the course of this debate, several ABA sections offered competing versions of Rule 5.7.

One approach to the issue of nonlegal services is to try to substantively limit the type of nonlegal services a lawyer may provide to a recipient or the manner in which the services are provided. A competing approach does not try to substantively limit the lawyer's provision of nonlegal services, but instead attempts to clarify the conduct to which the Rules of Professional Conduct apply and to avoid misunderstanding on the part of the recipient of the nonlegal services. This Rule adopts the latter approach.

The Potential for Misunderstanding

Whenever a lawyer directly provides nonlegal services, there exists the potential for ethical problems. Principal among these is the possibility that the person for whom the nonlegal services are performed may fail to understand that the services may not carry with them the protection normally afforded by the client-lawyer relationship. The recipient of the nonlegal services may expect, for example, that the protection of client confidences, prohibitions against representation of persons with conflicting interests, and obligations of a lawyer to maintain professional independence apply to the provision of nonlegal services when that may not be the case. The risk of such confusion is especially acute when the lawyer renders both types of services with respect to the same matter.

Providing Nonlegal Services That Are Not Distinct From Legal Services

Under some circumstances, the legal and nonlegal services may be so closely entwined that they cannot be distinguished from each other. In this situation, confusion by the recipient as to when the protection of the client-lawyer relationship applies are likely to be unavoidable. Therefore, Rule 5.7(a) requires that the lawyer providing the nonlegal services adhere to all of the requirements of the Rules of Professional Conduct.

In such a case, a lawyer will be responsible for assuring that both the lawyer's conduct and, to the extent required by Rule 5.3, that of nonlawyer employees comply in all respects with the Rules of Professional Conduct. When a lawyer is obliged to accord the recipients of such nonlegal services the protection of those Rules that apply to the client-lawyer relationship, the lawyer must take special

care to heed the proscriptions of the Rules addressing conflict of interest (Rules 1.7 through 1.11, especially Rules 1.7(b) and 1.8(a), (b) and (f)), and to scrupulously adhere to the requirements of Rule 1.6 relating to disclosure of confidential information. The promotion of the nonlegal services must also in all respects comply with Rules 7.1 through 7.3, dealing with advertising and solicitation.

Rule 5.7(a) applies to the provision of nonlegal services by a lawyer even when the lawyer does not personally provide any legal services to the person for whom the nonlegal services are performed if the person is also receiving legal services from another lawyer that are not distinct from the nonlegal services.

*Avoiding Misunderstanding When A Lawyer
Directly Provides Nonlegal Services
That Are Distinct From Legal Services*

Even when the lawyer believes that his or her provision of nonlegal services is distinct from any legal services provided to the recipient, there is still a risk that the recipient of the nonlegal services will misunderstand the implications of receiving nonlegal services from a lawyer; the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship. Where there is such a risk of misunderstanding, Rule 5.7(b) requires that the lawyer providing the nonlegal services adhere to all the Rules of Professional Conduct, unless exempted by Rule 5.7(d).

*Avoiding Misunderstanding When a Lawyer is
Indirectly Involved in the Provision of Nonlegal Services*

Nonlegal services also may be provided through an entity with which a lawyer is somehow affiliated, for example, as owner, employee, controlling party or agent. In this situation, there is still a risk that the recipient of the nonlegal services might believe that the recipient is receiving the protection of a client-lawyer relationship. Where there is such a risk of misunderstanding, Rule 5.7(c) requires that the lawyer involved with the entity providing nonlegal services adhere to all the Rules of Professional Conduct, unless exempted by Rule 5.7(d).

Avoiding the Application of Paragraphs (b) and (c)

Paragraphs (b) and (c) specify that the Rules of Professional Conduct apply to a lawyer who directly provides or is otherwise involved in the provision of nonlegal services if there is a risk that the recipient might believe that the recipient is receiving the protection of a client-lawyer relationship. Neither the Rules of Professional Conduct nor paragraphs (b) or (c) will apply, however, if pursuant to paragraph (d), the lawyer takes reasonable efforts to avoid any misunderstanding by the recipient. In this respect, Rule 5.7 is analogous to Rule 4.3(c).

In taking the reasonable measures referred to in paragraph (d), the lawyer must communicate to the person receiving the nonlegal services that the relationship will not be a client-lawyer relationship. The communication should be made before entering into an agreement for the provision of nonlegal services, in a manner sufficient to assure that the person understands the significance of the communication, and preferably should be in writing.

The burden is upon the lawyer to show that the lawyer has taken reasonable measures under the circumstances to communicate the desired understanding. For instance, a sophisticated user of nonlegal services, such as a publicly-held corporation, may require a lesser explanation than someone unaccustomed to making distinctions between legal services and nonlegal services, such as an

individual seeking tax advice from a lawyer-accountant or investigative services in connection with a lawsuit.

*The Relationship Between Rule 5.7 and
Other Rules of Professional Conduct*

Even before Rule 5.7 was adopted, a lawyer involved in the provision of nonlegal services was subject to those Rules of Professional Conduct that apply generally. For example, Rule 8.4(c) makes a lawyer responsible for fraud committed with respect to the provision of nonlegal services. Such a lawyer must also comply with Rule 1.8(a). Nothing in this rule is intended to suspend the effect of any otherwise applicable Rule of Professional Conduct such as Rule 1.7(b), Rule 1.8(a) and Rule 8.4(c).

In addition to the Rules of Professional Conduct, principles of law external to the Rules, for example, the law of principal and agent, may govern the legal duties owed by a lawyer to those receiving the nonlegal services.

Code of Professional Responsibility Comparison:

There is no counterpart to this Rule in the code.

[Pa.B. Doc. No. 96-1426. Filed for public inspection August 30, 1996, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 81]

**Amendment of Rules of Professional Conduct—
Jurisdiction; No. 259; Doc. No. 3**

Order

Per Curiam:

And Now, this 14th day of August, 1996, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

1. Pennsylvania Rule of Professional Conduct 8.5 is amended to read as set forth in Annex A hereto.
2. This Order shall be processed in accordance with Pa.R.J.A. 103(b). The amendment adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

Annex A

**TITLE 204. JUDICIAL SYSTEM GENERAL
PROVISIONS**

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

**CHAPTER 81. RULES OF PROFESSIONAL
CONDUCT**

**MAINTAINING THE INTEGRITY OF THE
PROFESSION**

**Rule 8.5. [Jurisdiction] Disciplinary Authority;
Choice of Law.**

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction [**although engaged in practice elsewhere**], regardless of where the lawyer's conduct occurs. A lawyer may be subject to

the disciplinary authority of both this jurisdiction and another jurisdiction where the lawyer is admitted for the same conduct.

(b) **Choice of Law.** In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a proceeding in a court or agency before which a lawyer has been admitted to practice (either generally or for purposes of that proceeding), the rules to be applied shall be the rules of the jurisdiction in which the court or agency sits, unless the rules of the court or agency provide otherwise; and

(2) for any other conduct.

(i) if the lawyer is licensed to practice only in this jurisdiction, the rules to be applied shall be the rules of this jurisdiction, and

(ii) if the lawyer is licensed to practice in this and another jurisdiction, the rules to be applied shall be the rules of the admitting jurisdiction in which the lawyer principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.

Comment

[In modern practice lawyers frequently act outside the territorial limits of the jurisdiction in which they are licensed to practice, either in another state or outside the United States. In doing so, they remain subject to the governing authority of the jurisdiction in which they are licensed to practice. If their activity in another jurisdiction is substantial and continuous, it may constitute practice of law in that jurisdiction. See Rule 5.5.

If the rules of professional conduct in the two jurisdictions differ, principles of conflict of laws may apply. Similar problems can arise when a lawyer is licensed to practice in more than one jurisdiction.

Where the lawyer is licensed to practice law in two jurisdictions which impose conflicting obligations, applicable rules of choice of law may govern the situation. A related problem arises with respect to practice before a federal tribunal, where the general authority of the states to regulate the practice of law must be reconciled with such authority as federal tribunals may have to regulate practice before them.]

Disciplinary Authority

Paragraph (a) restates longstanding law.

Choice of Law

A lawyer may be potentially subject to more than one set of rules of professional conduct which impose different obligations. The lawyer may be licensed to practice in more than one jurisdiction with differing rules, or may be admitted to practice before a particular court or agency with rules that differ from those of the jurisdiction or jurisdictions in which the lawyer is licensed to practice. In the

past, decisions have not developed clear or consistent guidance as to which rules apply in such circumstances.

Paragraph (b) seeks to resolve such potential conflicts. Its premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession). Accordingly, it takes the approach of (i) providing that any particular conduct of an attorney shall be subject to only one set of rules of professional conduct, and (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions.

Paragraph (b) provides that as to a lawyer's conduct relating to a proceeding in a court or agency before which the lawyer is admitted to practice (either generally or pro hac vice), the lawyer shall be subject only to the rules of professional conduct of that court or agency. As to all other conduct, paragraph (b) provides that a lawyer licensed to practice only in this jurisdiction shall be subject only to the rules of professional conduct of this jurisdiction, and that a lawyer licensed in multiple jurisdictions shall be subject to the rules of the jurisdiction where he or she (as an individual, not his or her firm) principally practices, but with one exception: if particular conduct clearly has its predominant effect in another admitting jurisdiction, then only the rules of that jurisdiction shall apply. The intention is for the latter exception to be a narrow one. It would be appropriately applied, for example; to a situation in which a lawyer admitted in, and principally practicing in, State A, but also admitted in State B, handled an acquisition by a company whose headquarters and operations were in State B of another, similar such company. The exception would not appropriately be applied, on the other hand, if the lawyer handled an acquisition by a company whose headquarters and operations were in State A of a company whose headquarters and main operations were in State A, but which also had some operations in State B.

If two admitting jurisdictions were to proceed against a lawyer for the same conduct, they should, applying this rule, identify the same governing ethics rules. They should take all appropriate steps to see that they do apply the same rule to the same conduct, and in all events should avoid proceeding against a lawyer on the basis of two inconsistent rules.

The choice of law provision is not intended to apply to transnational practice. Choice of law in this context should be the subject of agreements between jurisdictions or of appropriate international law.

Code of Professional Responsibility Comparison:

There is no counterpart to this Rule in the Code.

[Pa.B. Doc. No. 96-1427. Filed for public inspection August 30, 1996, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Promulgation of New Rules Governing Case Submitted Upon Stipulated Facts and Abolishing Case Stated; No. 264; Doc. No. 5

Order

Per Curiam:

And Now, this 9th day of August, 1996, new Rules of Civil Procedure 1038.1 governing case submitted upon stipulated facts and 1038.2 governing the abolition of case stated are promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION

JUDGMENT UPON DEFAULT OR ADMISSION

Rule 1038.1. Case Submitted on Stipulated Facts.

A case may be submitted on stipulated facts for decision by a judge without a jury. The practice and procedure as far as practicable shall be in accordance with the rules governing a trial without jury.

Official Note: See Rules 1038 governing trial without jury and 227.1 et seq. governing post-trial practice.

Rule 1038.2. Abolition of Case Stated.

The common law procedure of a case stated is abolished.

Official Note: The common law procedure of a case stated is no longer required in view of the practice of submitting a case on stipulated facts for decision by a judge without a jury. See Rule 1038.1.

Explanatory Comment

The Supreme Court of Pennsylvania has abolished the procedural device of the case stated and provided for the submission of a case on stipulated facts.

The distinction between the case stated and submission of a case upon stipulated facts has been described as follows:

... In a case stated, the parties submit an agreed statement of facts and request entry of *judgment* by the court upon the facts stated... The judgment entered is final, and no exceptions are necessary prior to the taking of an appeal... A case stated is distinguished from a trial without jury upon a stipulation of facts in that, in a trial without jury, the parties submit an agreed statement of facts. The court then renders a decision, which is subject to exceptions and review by the court before any judgment is entered...¹

New Rule 1038.1 adds to the rules of civil procedure a specific provision governing the submission of a case for

¹ *County of Allegheny et al. v. Allegheny County Prison Employees' Independent Union*, 53 Pa. Cmwlth. Ct. 350, 417 A.2d 864, 866 (1980).

decision upon stipulated facts. The procedure under the new rule conforms to that quoted above. The parties may submit a stipulation of facts to the court for its decision. The procedure then follows an existing model, that of a nonjury trial with respect to the decision, post-trial practice and appeal.

New Rule 1038.2 abolishes the case stated, a device which has been described as "a misunderstood procedure" and "a trap for the unwary." The abolition eliminates confusion as "parties often call something a 'case stated' when they really mean a stipulation."²

There were two traps in the procedure for a case stated. First, there was the necessity to reserve the right to appeal in the agreement. Second, however, even where an agreement reserved the right to appeal, if the aggrieved party erroneously filed a motion for post-trial relief, the thirty-day period in which to appeal the judgment would be lost. With the abolition of case stated, these traps no longer exist.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 96-1428. Filed for public inspection August 30, 1996, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Transfer of Attorneys to Inactive Status

The following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 16, 1996, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 15, 1996 for Compliance Group 3 due December 31, 1995.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the Supreme Court of Pennsylvania

LEWIS GERARD ADLER
Woodbury, NJ

JAMES A. ALEXANDER
Walnut Creek, CA

JOHN E. ANDERSON
Washington, DC

BEN M. ARAI
Bronx, NY

SCOTT J. BASEN
Freehold, NJ

RALPH THOMAS BORRELLO
Wilmington, DE

² See the dissenting opinion in *McCarron v. Upper Gwynedd Township et al.*, 139 Pa. Cmwlth. Ct. 528, 591 A.2d 1151, 1159 (1990).

ELIZABETH R. P. BOWEN
Chevy Chase, MD

THOMAS R. BRINKERHOFF
Medford Lakes, NJ

VINCENT J. BRUNO
Northfield, NJ

JOHN JOSEPH BUBLEWICZ
Trenton, NJ

ALLISON DALE BURROUGHS
Boston, MA

VERNON RANDOLPH BYRD JR.
New York, NY

LINDA R. CARRINGTON
Miami, FL

HARRY COKER JR.
Clinton, MD

MARK JOSEPH CRAWFORD
Nassau, NY

SALVATORE B. DAIDONE
Haddonfield, NJ

ELIZABETH K. DAVENPORT
East Lansing, MI

CAROL ANN FABIETTI
Gibbsboro, NJ

MICHAEL TIMOTHY FARRAR
Washington, DC

IRA M. FINGLES
Trenton, NJ

DOMINICK FIORELLO
Marlton, NJ

FRANKIE FONTANEZ
Camden, NJ

DOUGLAS G. GIBSON
Washington, DC

JERRY CRAIG GOLDHAGEN
Atlantic City, NJ

ROBERT AARON GREENBERG
Haddonfield, NJ

SAL GREENMAN
Fair Lawn, NJ

JOHN T. GROGAN JR.
Hoboken, NJ

TIMOTHY JAY HOUSEAL
Wilmington, DE

JAMES P. HUGHES JR.
Wilmington, DE

BRUCE JACKSON
New York, NY

THOMAS F. KARPOUSIS
Haddonfield, NJ

PETER KNICKERBOCKER
Northport, NY

SUSAN KOVACS
Atlantic City, NJ

PASQUALE LABBADIA III
Clinton, CT

MICHAEL LAKE
Stamford, CT

MICHAEL BRIAN LAVERY
Hackettstown, NJ

KENNETH LEWIS
Oakwood, OH

JOSEPH J. LIBRICZ JR.
Rockville, MD

RICHARD THOMAS LUZZI
Newark, NJ

MARC JOSEPH MALFARA
Blackwood, NJ

DANIEL MARINO
Washington, DC

STANLEY J. MAYES
Washington, DC

DANIEL J. McKENTY
Wilmington, DE

RANDY McRAE
Mitchellville, MD

DEBORAH MOLITZ
Southfield, MI

TERRY MONROE
Silver Spring, MD

MICHAEL D. MORRIS
Beverly Hills, CA

PENNY RABINKOFF
Arlington, VA

LOUIS A. REILLY
Trenton, NJ

ALBERT JOHN RESCINIO
Ocean, NJ

RUTHANN RUSSO
Phillipsburg, NJ

MICHAEL STEPHEN SELVAGGI
Hackettstown, NJ

NEAL SHARMA
Trenton, NJ

MELVIN E. SOLL
Dover, DE

MARY L. STEVENS
Princeton, NJ

RICHARD W. TERRILL
APO, AE

TOAN QUY THAI
Falls Church, VA

GREGG DOUGLAS TRAUTMANN
Boonton, NJ

ANDERSON J. WARD
Northfield, IL

SALVATORE A. ZERBO
Cherry Hill, NJ

[Pa.B. Doc. No. 96-1429. Filed for public inspection August 30, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 20]

Conditions and Requirements Under Which Domestic Animals May Be Offered as Prizes

The Department of Agriculture (Department) establishes regulations in Chapter 20 (relating to conditions and requirements under which domestic animals may be offered as prizes).

The act of April 29, 1994 (act) (P. L. 146, No. 24) amended the cruelty to animals provision of the Crimes Code to establish, in 18 Pa.C.S. § 5511.1 (relating to live animals as prizes prohibited), a general prohibition against the offering or giving away of any live animal—except fish—as a prize in a game. Under section 2 of the act, 18 Pa.C.S. § 5511.1(b), this general prohibition does not apply to a domestic animal given away in connection with an agricultural, educational or vocational program sponsored or sanctioned by the Department. Section 2 of the act also requires, in 18 Pa.C.S. § 5511.1(b)(2), the Department to promulgate regulations necessary to provide the conditions and requirements of live animal offerings within that exception. It is under the foregoing statutory authority that these regulations are adopted.

Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"

Executive Order 1996-1, "Regulatory Review and Promulgation," requires that any regulation address a compelling public need.

These regulations prescribe the conditions and requirements which, if met, would allow an agricultural, educational or vocational program to offer a domestic animal as a prize in a contest. The regulations define and clarify terms that are not defined in the act, and set forth necessary procedures by which an agricultural, educational or vocational program can be considered sponsored or sanctioned by the Department for purposes of the exception set forth in 18 Pa.C.S. § 5511.1(b)(1).

In the absence of these regulations, an entity such as a 4-H club or a chapter of the Future Farmers of America would run the risk of being prosecuted under 18 Pa.C.S. § 5511(a) if it conducted a traditional raffle, competition or similar game in which an animal that has been historically considered a farm animal is given away as a prize.

These regulations also provide guidance to police officers and agents of societies for the prevention of cruelty to animals—which are charged with enforcement of 18 Pa.C.S. § 5511.1.

The Department is satisfied that these regulations serve a compelling public need imposed by the General Assembly, and that these regulations otherwise comply with Executive Order 1996-1.

Comments

Notice of proposed rulemaking was published at 25 Pa.B. 3870 (September 16, 1995) and provided for a 30-day public comment period.

Comments were received from the Federated Humane Societies of Pennsylvania, the Pennsylvania Legislative

Animal Network (PLAN), Representative Jerry L. Nailor, the House Agriculture and Rural Affairs Committee (House Committee) and the Independent Regulatory Review Commission (IRRC). These comments, and the Department's responses, follow.

The Federated Humane Societies of Pennsylvania offered its support for the proposed regulations recommending that they be adopted without changes.

Representative Jerry L. Nailor, the prime sponsor of the act, offered general support for the regulations, and concurred with all of the comments offered by PLAN.

IRRC offered the suggestion that the term "domestic animal" supplant "live domestic animal" throughout the regulations to make it more consistent with the act.

The Department accepts this comment, and has revised the regulations accordingly.

Several comments were received with respect to § 20.2 (relating to definitions).

PLAN suggested the definition of "live animal" include germ plasm, embryos and fertile ova. IRRC suggested that this definition be deleted altogether, since the act is sufficiently clear.

The Department accepts IRRC's suggestion, and has deleted the term "live animal."

With respect to the definition of "sanction," PLAN asked for clarification of what is meant by a "designee" of the Secretary, and an estimate of the number of designees the Secretary plans to appoint.

The Department intends the term "designee" to refer to those employees of the Department's Bureau of Animal Industry (Bureau) who will oversee the day-to-day administration of the act and its attendant regulations. These designees are most likely to include the Bureau Director and, as deemed necessary, other licensed practitioners of veterinary medicine employed by the Bureau.

PLAN and IRRC recommended the definition of "vocational program" include programs having the preparation of its participants for careers in the agricultural sciences—as opposed to the sciences in general.

The Department accepts this comment, and has revised the definition accordingly.

Proposed § 20.4 (relating to coupons or discounts as prizes) specified that a person who offers or gives away as a prize in a game a discount or coupon that would allow a domestic animal to be purchased for less than \$50 is giving or offering to give away a domestic animal as a prize in a game, for purposes of the act and this chapter. IRRC questioned whether this less-than-\$50 figure is a nominal sum justifying the transaction being considered a giving or offering to give away with respect to a domestic animal. IRRC requested the rationale behind the Department's use of this less-than-\$50 figure.

The Department intended § 20.4 to prevent game operators from avoiding the requirements of the act by awarding coupons or discounts that would allow a game participant to acquire a domestic animal at significantly less than its value. The Department acknowledges that this problem is more prevalent among game operators who offer as prizes coupons or discounts toward the purchase of live animals other than domestic animals. In light of this fact, and the Department's narrowly-prescribed authority under the act, the Department has

deleted proposed § 20.4 in its entirety and renumbered subsequent sections accordingly.

IRRC raised several concerns regarding § 20.6 (relating to applying for designation as a program sanctioned by the Department). Initially, IRRC suggested the Department develop a basic application form requiring the information described in proposed § 20.6(b), and inform prospective applicants of how they may obtain these application forms.

The Department accepts this suggestion. A basic application form will be provided upon request. A new § 20.6(b) has been added, describing the method by which a person may obtain an application. Proposed § 20.6(b)—(f) have been redesignated as § 20.6(c)—(g).

IRRC recommended § 20.6(c)(5) be made more specific by substituting the phrase “that may be offered or given away as a prize” for the word “offered.”

The Department accepts this recommendation, agrees that it adds clarity and has amended § 20.6(c)(5) accordingly.

IRRC noted that § 20.6(f) and (g) prescribe definite periods within which specific actions must be taken and that § 20.6(e), by contrast, merely required the Department to provide prompt notification of deficiencies in an application.

The Department accepts IRRC’s recommendation that § 20.6(e) be more specific as to what constitutes prompt notification. That subsection has been revised to require the notification be forwarded within 10 days of receiving the application.

IRRC noted that § 20.6(g) required an applicant’s hearing request to be delivered to the Department within 20 days from the date upon which the applicant received the Department’s decision, and questioned how the Department would be able to confirm the date upon which the applicant received the Department’s decision. As a more workable alternative, IRRC suggested the Department commence the appeal period on the date the decision is mailed to the applicant—rather than the date upon which it is received by the applicant—and add 5 days to the 20-day appeal period to allow for delivery time.

The Department accepts this recommendation, and has revised § 20.6(g) accordingly.

IRRC offered the comment that § 20.7 (relating to circumstances under which a game is conducted in connection with an agricultural, educational or vocational program) should be applicable only to programs sanctioned by the Department, and not to programs sponsored by the Department.

Section 20.4 requires the program sponsored by the Department to be the entity that actually conducts the game. Section 20.7 provides for a circumstance where the game could be conducted by some other entity. In light of this, the Department agrees § 20.7 should only be applicable to programs sanctioned by the Department. That section has been revised accordingly.

IRRC noted § 20.8 (relating to conditions and requirements of domestic animal offerings) required a person offering or giving away a domestic animal as a prize in accordance with that section to retain the veterinarian’s certification required at § 20.8(a)(2) and the instructions for animal care required at § 20.8(a)(3), without specifying the period for which these documents should be retained.

Since a violation of the act would constitute a summary criminal offense, IRRC recommended the regulation require retention of these records for at least 2 years, the applicable statute of limitations, as established at 42 Pa.C.S. § 5552 (relating to other offenses).

The Department accepts IRRC’s recommendation, and has revised § 20.8(a)(2) and (3) to include specific language provided by IRRC.

IRRC suggested a section be added to these regulations repeating the penalty provisions established by the act in 18 Pa.C.S. § 5511.1(d).

The Department implemented this suggestion by adding the appropriate language at § 20.8(b).

PLAN asked whether the citation for the Dog Law (3 P. S. §§ 459-101—459-1205) set forth at § 20.8(c) is accurate.

The Department responds that the citation is, in fact, accurate.

The House Committee offered its general support for the proposed regulations, and raised two separate scenarios in which bovine animals would be awarded as prizes in a game. The first scenario involved a Rotary Club raffling a bovine animal at a Grange Fair. The second scenario involved a newspaper awarding a bovine animal to the winner of a county 4-H steer show. The House Committee expressed its expectation that these activities would be permissible under the regulations.

In each scenario the entity seeking to conduct the contest would have to either apply for and obtain the written sanction of the Department under § 20.5 (relating to circumstances under which sanction is required) and § 20.6 or, if it is conducting the game to benefit an agricultural, educational or vocational program (such as a grange fair or county 4-H club) such that at least 90% of the game proceeds would benefit the program, the program itself could apply for the written sanction of the Department. The facts of each scenario would determine whether a domestic animal can be awarded as a prize in a game and by which process this could be accomplished in compliance with the act. To clearly distinguish between games and vocational exhibitions or competitions, though, the definition of “game” at § 20.2 has been revised to specifically exclude exhibitions or competitions of agricultural animals for agricultural vocational purposes.

Fiscal Impact

Commonwealth

The regulations will impose no costs and have no fiscal impact upon the Commonwealth.

Political Subdivisions

The regulations will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The regulations will require entities conducting games in which domestic animals are awarded as prizes to incur the cost of obtaining a veterinarian’s certification that the animals are apparently free of diseases or physical defects. Although the costs involved are not readily estimable, they should be reduced to some extent by the fact that veterinarian certifications are rather commonly required with respect to cattle, horses, goats, sheep and swine moving in commerce.

General Public

The regulations will impose no costs and have no fiscal impact upon the general public.

Paperwork Requirements

The regulations are not expected to result in an appreciable increase in paperwork. The Department will develop a simple application form by which persons may seek the Department's written sanction in accordance with § 20.6.

Contact Person

Further information is available by contacting the Department of Agriculture, Attention: Max A. Van Buskirk, Jr., VMD, Bureau of Animal Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 5, 1995, the Department submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 3870 to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs 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 the 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 Committee and the Senate Committee on July 9, 1996, and were approved by IRRC on July 18, 1996, in accordance with section 5(c) of the Regulatory Review Act.

Findings

The Department of Agriculture finds that:

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

(2) A public comment period was provided as required by law and that the comments received were considered.

(3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed regulations published at 25 Pa.B. 3870.

(4) The regulations meet the requirements of Executive Order 1996-1, "Regulation Review and Promulgation."

(5) The adoption of the regulations in the manner provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department of Agriculture, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code, are amended by adding §§ 20.1—20.9 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 General Counsel and to the Office of Attorney General for approval as required by law.

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

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

CHARLES C. BROSIUS,
Secretary

(Editor's Note: The proposal to add § 20.10 has been withdrawn by the Department.

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: 2-92. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 7. AGRICULTURE****PART I. BUREAU OF ANIMAL INDUSTRY****CHAPTER 20. CONDITIONS AND REQUIREMENTS UNDER WHICH DOMESTIC ANIMALS MAY BE OFFERED AS PRIZES**

Sec.	
20.1	Purpose.
20.2	Definitions.
20.3	Requirement of sponsorship or sanction.
20.4	Obtaining status as a program sponsored by the Department.
20.5	Circumstances under which sanction is required.
20.6	Applying for designation as a program sanctioned by the Department.
20.7	Circumstances under which a game is conducted by a program sanctioned by the Department.
20.8	Conditions and requirements of domestic animal offerings.
20.9	Liability.

§ 20.1. Purpose.

This chapter, which is authorized under 18 Pa.C.S. § 5511.1(b)(2) (relating to live animals as prizes prohibited), establishes the conditions under which an agricultural, educational or vocational program may conduct a game at which a domestic animal may be offered or given away as a prize. It also establishes requirements governing how a game shall be conducted.

§ 20.2. Definitions.

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

Act—The act of April 29, 1994 (P. L. 142, No. 24), which amended 18 Pa.C.S. § 5511(j) (relating to cruelty to animals) and established 18 Pa.C.S. § 5511.1 (relating to live animals as prizes prohibited).

Agricultural program—A program having the cultivation of soil or water, the production of plants, the production of domestic animals or the production of some agricultural product as its primary purpose.

Department—The Department of Agriculture of the Commonwealth.

Domestic animal—A dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

Educational program—A program having the instruction of its participants in agriculture, subjects related to agriculture, the sciences or rural community leadership as its primary purpose.

Fish—A live animal member of the superclass *Pisces*.

Game—A drawing, lottery, contest, sweepstakes or similar activity engaged in for diversion, amusement or profit, regardless of whether its outcome is determined by the skill of the participant, random chance or some combina-

tion of the two. The term does not include an exhibition or competition of agricultural animals for agricultural vocational purposes.

Person—An individual, partnership, sole proprietorship, corporation or business entity.

Prize—An article or other consideration, such as a coupon or discount, awarded to a game contestant or any other person as a result of a contestant's participation in a particular game, regardless of whether the awarding of the prize is contingent upon achieving some level of success in the game or upon mere participation in the game.

Sanction—The action taken by the Department when the Secretary or a designee issues a written notice that a particular program is an agricultural, educational or vocational program to which the exception in 18 Pa.C.S. § 5511.1(b)(1) applies.

Secretary—The Secretary of the Department.

Sponsor—The relationship of the Department to an entity to which it awards grants under authority of the Agricultural and Rural Youth Development Act (3 P. S. §§ 1601—1609), the Pennsylvania Agricultural Fair Act (3 P. S. §§ 1501—1508) or other statutory authority by which the Department may award grants or extend loans to agricultural, educational or vocational programs.

Vocational program—A program having the preparation of its participants for careers in agriculture or the agricultural sciences as its primary purpose.

§ 20.3. Requirement of sponsorship or sanction.

A person may not give or offer to give away any live animal, except fish, as a prize in a game unless the animal is a domestic animal and is offered or given away in connection with an agricultural, educational or vocational program sponsored or sanctioned by the Department.

§ 20.4. Obtaining status as a program sponsored by the Department.

An agricultural, educational or vocational program shall be considered sponsored by the Department for purposes of the act, without the requirement that it obtain written confirmation of this status from the Department in advance of conducting a game at which a domestic animal is to be offered or given away as a prize, if the following apply:

(1) The program has been sponsored by the Department at any time during the year preceding the date upon which the domestic animal is to be offered or given away as a prize in a game.

(2) The program is the entity that actually conducts the game and offers or gives away the live domestic animal.

§ 20.5. Circumstances under which sanction is required.

An agricultural, educational or vocational program that is not sponsored by the Department may apply for and obtain written confirmation that it is sanctioned by the Department for purposes of the act prior to conducting any game at which a domestic animal is to be offered or given away as a prize.

§ 20.6. Applying for designation as a program sanctioned by the Department.

(a) *Application required.* An agricultural, educational or vocational program seeking the designation that it is

sanctioned by the Department for purposes of the act shall submit a written application for the designation to the Department.

(b) *Obtaining an application.* A person may obtain an application form by mailing a written request to the address in subsection (d).

(c) *Contents of application.* The application form shall contain:

(1) The name and address of the person who proposes to offer or give away a domestic animal as a prize in a game to be held in connection with an agricultural, educational or vocational program.

(2) A description of the agricultural, educational or vocational activities conducted or promoted by the program described in paragraph (1).

(3) A statement identifying any entity that shall receive any portion of the proceeds of the game and setting forth the percentage of the proceeds that the entity shall receive.

(4) A statement setting forth the date, time and location of both the agricultural, educational or vocational program and the game at which it is proposed that any domestic animal be offered or given away as a prize.

(5) A description of the species and number of domestic animals that will be offered or given away as a prize.

(6) A copy of the written instructions for proper care of the domestic animal that would be issued to any person to whom the domestic animal is given.

(d) *Delivery of application.* The application form shall be mailed or delivered to the following address:

Bureau of Animal Industry
 Division of Regulation and Compliance
 Agriculture Building, Room 403
 2301 North Cameron Street
 Harrisburg, PA 17110

(e) *Completeness review.* The Department will review each application for completeness. If the application is incomplete, or if additional information is required, the Department will, within 10 days of receiving the application, notify the applicant of this deficiency. The notification may be accomplished by telephone or by mailing a written notice.

(f) *Determination.* Within 20 days of receiving a complete application, the Department will issue to the applicant written notice of whether the agricultural, educational or vocational program described in the application is sanctioned by the Department for purposes of the act. If the written notice states that the program is sanctioned by the Department, it shall also set forth an expiration date for this sanction.

(g) *Reconsideration.* An applicant may request that the Secretary conduct a hearing to review and reconsider any decision issued under subsection (f). The hearing request shall be in writing, and be delivered to the Department within 25 days from the date the Department's decision was mailed to the applicant. Upon receipt of a timely hearing request, the Secretary will designate a hearing examiner to take testimony, consider evidence and submit a proposed adjudication for the Secretary's consideration on the issue of whether a modification of the original decision is warranted. The Secretary will then issue a final adjudication.

§ 20.7. Circumstances under which a game is conducted by a program sanctioned by the Department.

A game may be conducted by a program sanctioned by the Department if one of the following applies:

(1) The game is conducted by the agricultural, educational program sanctioned by the Department and the program receives the proceeds of the game.

(2) The game is conducted by some other entity, such as a vendor or subcontractor, and the agricultural, educational or vocational program sanctioned by the Department receives at least 90% of the proceeds of the game.

§ 20.8. Conditions and requirements of domestic animal offerings.

(a) *General.* A person who offers or gives away a domestic animal as a prize in a game conducted in connection with an agricultural, educational or vocational program sponsored or sanctioned by the Department shall adhere to the following conditions and requirements:

(1) *Unweaned animals.* A domestic animal may not be offered or given away unless it is weaned. An animal is weaned if it accepts sufficient food and water to meet its nutritional needs from a source other than a parent.

(2) *Veterinarian's certification.* A domestic animal may not be offered or given away unless it is accompanied by written certification from a licensed veterinarian that it has been examined and found free of evidence of disease or physical defect no more than 10 days prior to the offering or giving away. The person offering or giving away the domestic animal shall retain a copy of this veterinarian certification for 2 years from the date the domestic animal was offered or given away.

(3) *Instructions for handling and care.* A domestic animal may not be offered or given away unless it is accompanied by a written statement setting forth its origin, age, sex and instructions for its proper care. The person offering or giving away the domestic animal shall retain a copy of this statement for 2 years from the date the domestic animal was offered or given away.

(4) *Persons under 18 years of age.* A domestic animal may not be given away to a person under 18 years of age unless the person giving away the animal first obtains the written consent of a parent or guardian of the prospective recipient of the animal. The person offering or giving away the domestic animal shall retain a copy of this written consent for 2 years from the date the domestic animal was given away.

(b) *Violation of conditions and requirements.* If the Department has sponsored or sanctioned an agricultural, educational or vocational program, that sponsorship or sanction will be considered void if the person offering or giving away a domestic animal as a prize in a game held in connection with the program violates a condition in subsection (a). If a person violates a condition in subsection (a), the statutory exception in 18 Pa.C.S. § 5511.1(b) (relating to live animals as prizes prohibited) does not apply, and the person offering or giving away the domestic animal shall be subject to prosecution under the act. The violation will be prosecuted as a summary criminal offense punishable by a fine of not more than \$250.

(c) *Dog Law.* The requirements of this chapter do not supersede or supplant duties or responsibilities imposed under authority of the Dog Law (3 P. S. §§ 459-101—459-1205).

§ 20.9. Liability.

The Department will not be liable or otherwise responsible for the condition of a domestic animal offered or given away in accordance with the act and this chapter.

[Pa.B. Doc. No. 96-1430. Filed for public inspection August 30, 1996, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) by this order amends Chapter 1021 (relating to practice and procedure) to read as set forth at Annex A. The amendments modify the rules of practice and procedure before the Board by adding or correcting terminology relating to the Board and implementing improvements in practice and procedure.

The Board approved the final-form regulations at its April 10, 1996, meeting.

Effective Date

The amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

Contact Person

For further information, contact M. Diane Smith, Secretary to the Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. If information concerning this notice is required in an alternative form, Ms. Smith may be contacted at the above number. TDD users may telephone the Board through the AT&T Pennsylvania relay center at (800) 654-5984.

Statutory Authority

The amendments are promulgated under the authority of section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515) which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

Comments and Revisions to Proposed Rulemaking

The Board received comments on the proposed revisions from the Independent Regulatory Review Commission (IRRC); Brendan Collins, Esq. of Ballard Spahr Andrews & Ingersoll; John N. Cox, of Verona, PA; and the Office of Chief Counsel of the Department of Environmental Protection (DEP). The commentators had specific comments which will be addressed on a section-by-section basis. IRRC incorporated some of these comments into its review document, as well as making comments and recommendations of its own. Thus, IRRC's comments and recommendations will be separately addressed only where they raise issues not otherwise raised by the individual commentators.

§ 1021.53 (relating to amendments to appeal; nunc pro tunc appeals)

These amendments provide for an appeal as well as nunc pro tunc appeal. The existing section deals only with a nunc pro tunc appeal.

One commentator noted extensive comments to § 1021.53. The commentator noted that amending a notice of appeal inserts new issues into the appeal, expands the scope of discovery and increases the amount of preparation for any party responding to the appeal. It was suggested that if the Board elects to allow the appellant 20 days to amend the appeal as a matter of right, the time allowed for discovery and dispositive motions under § 1021.81 (relating to prehearing procedure) also should be expanded.

The Board believes that such an automatic extension of time is unnecessary because in any given appeal an amendment may not be sought. If an amendment is filed, the Board member assigned to deal with these appeal matters on a case-by-case basis will work with the parties to make necessary adjustments in the discovery schedule. In its response, the Rules Committee noted that subsection (e) and § 1021.17 (relating to extensions of time; continuance of hearings) and § 1021.81(a)(3) and (b) provide various mechanisms for the parties jointly and individually, to request additional time for discovery. Consequently, the Rules Committee does not believe that any party's rights will be prejudiced by proceeding under § 1021.53. IRRC concurred with the Board and the Rules Committee. The Board's intended approach and the rules provisions previously cited will adequately address this commentator's concern. Accordingly, this section of the final rule has not been modified.

This commentator expressed concern that subsection (b) allowing new issues to be raised beyond the 20-day amendment of right period will complicate and prolong litigation. The Board believes that the concern is unwarranted as any prolonged litigation will be prevented by the assigned Board member's case management strategy. However, while it is possible that the amendments may lengthen the process somewhat in certain cases, it is important to protect the right of appeal by giving the appellant adequate time to develop its claims that the action appealed from was improper. IRRC concurs with the Board's position. Therefore, the final version of subsection (b) has not been modified.

The same commentator suggested that allowing amendments beyond the 20-day period should be limited to those arising from the discovery of new facts. Neither IRRC nor the Board concur with this suggestion as this is already provided for in subsection (b)(1) and (2). The Board will not modify the proposal for this reason.

Another commentator suggested that the notice of appeal need not set forth any grounds for the appeal until after discovery is complete. The Board rejects this suggestion as it fails to recognize that the notice of appeal before the Board is analogous to a complaint in civil practice. The notice of appeal in civil practice comes not only after all discovery has taken place but after there has been a hearing or a decision on dispositive motions in which the issues of the case have been thoroughly developed and dealt with.

IRRC recommended minor changes in the wording of subsection (b) to improve construction and clarity and the Board concurs with this recommendation. The final rule has been modified to reflect this recommendation.

Regarding subsection (c), a commentator stated that an amendment of a notice of appeal shortly before the filing of prehearing memoranda comes too late in the process and undermines the newly established prehearing procedures of § 1021.81. The commentator recommends that the period for requesting amendments should end 30 days before the final date for dispositive motions.

In considering this comment, the Board concluded that there is merit in the view that an amendment permitted just before the filing of prehearing memoranda may come too late. On the other hand, the Board believes that a bar on amendments before dispositive motions are filed may be too early because a party may not fully appreciate the strengths or weaknesses of its position until after discovery is complete and dispositive motions are fully responded to. Accordingly, the Board will modify the section so as to bar amendments which are sought after the case is scheduled for a hearing or after the Board rules on dispositive motions, whichever is later. This will conform with the practice in Pennsylvania courts where amendments to complaints are freely allowed at least before the filing of prehearing memoranda.

The Rules Committee did not believe that any party's rights would be prejudiced by proceeding under § 1021.53 as proposed because subsection (e) and §§ 1021.17 and 1021.81(a)(3) and (b) provide various mechanisms for the parties, jointly or individually, to request additional time for discovery under this section. IRRC concurred with the Rules Committee but requested the Board review § 1021.53 with other provisions of this rulemaking and with all other Board prehearing procedure rules to be sure they are all internally consistent. The Board has reviewed the rules for internal consistency. The final rule has not been modified except as previously noted.

Regarding subsection (d), the commentator noted that §§ 1021.73 and 1021.74 (relating to dispositive motions; and miscellaneous motions) provide two very different procedures for filing motions and suggested that only one procedure should be specified to avoid confusion. The Board and the Rules Committee concurred with this suggestion. The Board decided to strike the reference to § 1021.73 and include "except that the motion shall be verified and supported by affidavits." The final rule has been modified to incorporate these changes.

IRRC recommended that the Board substitute "deemed" for "felt to be necessary therefor" in subsection (e) to improve structure and clarity. The Board concurs with the suggestion and has modified the final rule to reflect this suggestion.

IRRC also recommended that the Board delete some of the language contained in subsection (f) or make other corrective amendments in order for the rule to concur with the Board's limits of jurisdictional authority. The Board considered the recommendation and deleted subsection (f) of the proposal in the final version.

In reviewing the proposed section, the Board noted that the proposal inadvertently deleted an existing subsection specifying the procedure for filing nunc pro tunc appeals. The final rule has been modified to contain this provision as subsection (f).

In addition, § 1021.51(e) (relating to commencement, form and content) has been modified to make it clear that a failure to raise a ground for appeal in the initial notice of appeal will not result in a waiver if the appeal is amended to state that ground under § 1021.53.

§ 1021.62 (relating to intervention)

IRRC recommended that this section be reorganized to improve its construction and clarity. The second sentence in subsection (c) should be the only sentence in that subsection, the current proposed first sentence in subsection (c) should become subsection (e), and the current proposed subsections (e) and (f) should be relabeled as (f)

and (g), respectively. The Board concurs with this recommendation. The final rule has been modified to reflect this recommendation.

§ 1021.122 (relating to reopening of record prior to an adjudication)

One commentator stated that subsection (b)(3) appeared to sanction the reopening of the record merely on the recent discovery of noncumulative evidence. He suggested that the noncumulative criteria should be a threshold requirement for all other circumstances in which the record may be reopened, but should not be a stand-alone reason for reopening the record. The Rules Committee noted in its response that some language which appeared in prior drafts of the rule did not appear in the published version and some words were added for style conformity. The Rules Committee recommended that the Board make changes to the rule to reflect the prior drafts. IRRC and the Board concur. Subsection (b) has been modified to reflect this recommendation.

The Board also received a suggestion that it adopt a rule similar to an existing Pennsylvania Rule of Appellate Procedure which would preclude communications with the Board after the case has been submitted other than a letter bringing new case law to the attention of the Board. IRRC noted that this is a worthwhile suggestion and asked the Board to consider it. The Board believes that such a rule is unnecessary. Counsel freely brings new case law to the attention of the Board even in the absence of a rule, and, since the Board is more analogous to a trial than an appellate court, it is important that free communication be permitted even after the submission of final briefs. The Board now accepts submissions with respect to new case law in either letter or motion form. Furthermore, it has been longstanding policy at the Board for its members and staff to routinely remain abreast of the current environmental law in this Commonwealth.

One commentator suggested that subsection (d) should apply only to petitions filed under subsection (b) as it would be inappropriate to require a petitioner who is filing for reopening due to a change of law to demonstrate when evidence was discovered. The Board considered the suggestion and amended subsection (c). The final rule has been modified by adding the following sentence at the end of the subsection: "Such a petition need not meet the requirements of subsection (d)(2) and (3)."

§ 1021.124 (relating to reconsideration of final orders)

One commentator stated that subsection (b) does not provide sufficient time for the party to respond when service is by mail. It recommended that the section be revised to require the petitioner to serve all parties simultaneous with, and in the same manner as, the filing with the Board. IRRC concurred with the recommendation. In addition, IRRC recommended that the section also include a statement that the running of the Board's reconsideration period occurs contemporaneously with the running of the 30-day right of appeal to Commonwealth Court. The Board noted that the recommendations have merit and has modified the final rule to reflect these recommendations.

§ 1021.132 (relating to application for fees and expenses)

IRRC recommended amendments to subsection (a) for improved clarity and structure so it would read as follows:

"An application for fees and expenses shall be verified and shall set forth sufficient grounds to justify the award. It shall also include the following:"

The Board concurs with IRRC's recommendation. The final rule has been modified to include these amendments.

§ 1021.151 (relating to application for counsel fees under more than one statute)

IRRC suggested that the Board should further amend this section to furnish additional instructional information regarding the application of this section or incorporate a reference to other rules for how determinations will be made under this section. The Board believes this is unnecessary because it is obvious from the structure of the rule that the procedures set forth in the previous sections are to be followed except when those procedures may be inconsistent with the specific statute under which the application is being made. To provide any further instruction would require a survey of procedures applicable under a great number of environmental statutes when the Board rarely receives applications for counsel fees under statutes other than the Costs Act or the Surface Mining Law. The Board has asked the Rules Committee for a recommendation on a rule specific to fee applications under the Surface Mining Law and intends to propose such a specific rule in the near future.

Sunset Date

A sunset date has not been established for these regulations. The effectiveness of the amendments will be evaluated on an ongoing basis by the Board and the Rules Committee.

Regulatory Review

On December 8, 1996, as required by section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the proposed revisions, which were published at 25 Pa.B. 5981 (December 23, 1995), to IRRC the Senate and House Environmental Resources and Energy Committees for review and comment. The Board, in accordance with section 5(b.1) of the Regulatory Review Act, also provided IRRC and the Committees with the Regulatory Analysis Form prepared in compliance with Executive Order 1982-2 (relating to improving government regulations) and copies of the comments received.

In preparing the final-form regulations, the Board has considered all comments received from the public and IRRC. No comments on the proposed amendments were received from either of the legislative committees.

These final-form regulations were approved by the House Environmental Resources and Energy Committee, and were approved by the Senate Environmental Resources and Energy Committee on July 18, 1996. IRRC met on July 18, 1996, and approved the regulations under section 5(c) of the Regulatory Review Act.

Findings

The Board finds that:

(1) Public notice of the 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 the final-form regulations thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) These regulations are necessary and appropriate for administration of the act.

Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by amending §§ 1021.2, 1021.32, 1021.51, 1021.53, 1021.57, 1021.62, 1021.120, 1021.122 and 1021.124; and by adding §§ 1021.123, 1021.125, 1021.131—1021.134 and 1021.141—1021.144 and 1021.151 to read as set forth in Annex A. (*Editor's Note:* § 1021.51 was not included in the notice of proposed rulemaking at 25 Pa.B. 5981.)

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

(c) The Chairperson of the Board shall submit this order and Annex A to the House Environmental Resources and Energy Committee, the Senate Environmental Resources and Energy Committee and IRRC as required by law.

(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 upon publication in the *Pennsylvania Bulletin*.

GEORGE J. MILLER,
Chairperson

Fiscal Note: Fiscal Note 106-2 remains valid for the final adoption of the subject regulations.

(*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).)

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IX. ENVIRONMENTAL HEARING BOARD

CHAPTER 1021. PRACTICE AND PROCEDURES

Subchapter A. PRELIMINARY PROVISIONS

GENERAL

§ 1021.2. Definitions.

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

Act—The Environmental Hearing Board Act (35 P. S. §§ 7511—7516).

Action—An order, decree, decision, determination or ruling by the Department affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of a person, including, but not limited to, denials, modifications, suspensions and revocations of permits, licenses and registrations; orders to cease the operation of an establishment or facility; orders to correct conditions endangering waters of this Commonwealth; orders to construct sewers or treatment facilities; orders to abate air pollution; and appeals from complaints for the assessment of civil penalties.

Board—The Environmental Hearing Board, consisting of its chairperson and four members, all of whom are administrative law judges appointed by the Governor to hear appeals from actions of the Department.

Costs Act—The act of December 13, 1982 (P. L. 1127, No. 257) (71 P. S. §§ 2031—2035), known as the Commonwealth Agency Adjudicatory Expenses Award Law.

Department—The Department of Environmental Resources or its successor agencies.

Dispositive motion—A motion that seeks to resolve the issues in an appeal without the need for hearing or further hearing. The term includes a motion to quash appeal, a motion to dismiss, a motion for summary judgment, and a motion for partial summary judgment, but not a motion in limine.

Hearing examiner—A person other than a Board member designated by the Board to preside at hearings or conferences.

Intervenor—A person intervening or petitioning to intervene as provided by § 1021.62 (relating to intervention) when admitted as a party to a proceeding.

Party—A person with the right to institute or defend or otherwise appear and participate in proceedings before the Board. A party shall be an appellant, appellee, plaintiff, defendant or intervenor.

Permittee—The recipient of the permit, license, approval or certification in a third-party appeal.

Person—An individual, partnership, association, corporation, political subdivision, municipal authority or other entity.

Supersedeas—A suspension of the effect of an action of the Department pending proceedings before the Board.

Third-party appeal—The appeal of an action by a person who is not the recipient of a permit, license, approval or certification.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions).

**Subchapter B. DOCUMENTARY FILING
SERVICE OF DOCUMENTS**

§ 1021.32. Service by a party.

(a) Pleadings, submittals, briefs and other documents filed in proceedings pending before the Board, when filed or tendered to the Board, shall be served upon participants in the proceeding. The service shall be made by delivering in person, or by mailing, properly addressed with postage prepaid.

(b) Complaints for civil penalties when served, shall be enclosed with the following:

(1) A statement certifying that it is a true and complete copy of the complaint filed with the Board.

(2) A notice to plead.

(c) Appeals from actions of the Department shall be served upon the following:

(1) The officer of the Department taking this action.

(2) The Office of Chief Counsel of the Department or agency taking the action appealed.

(d) If service of an appeal upon the recipient of a permit, license, approval or certification is required, the service shall be made at the address set forth in the document evidencing the action by the Department or at the chief place of business in this Commonwealth of the recipient. Reference should be made to § 1021.51(f) (relating to commencement, form and content).

(e) Documents filed with the Board shall be filed at its headquarters, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(f) Subsections (a)—(e) supplement 1 Pa. Code § 31.32 (relating to service by a participant).

Subchapter C. FORMAL PROCEEDINGS**APPEALS****§ 1021.51. Commencement, form and content.**

(a) An appeal from an action of the Department shall commence with the filing of a written notice of appeal with the Board.

(b) The caption of an appeal shall be in the following form:

ENVIRONMENTAL HEARING BOARD
2nd Floor, Rachel Carson State Office Building
400 Market Street, Post Office Box 8457
Harrisburg, Pennsylvania 17105-8457

JOHN DOE, Appellant
234 Main Street, Smithtown,
Jones County, Pennsylvania 15555
(Telephone (123) 456-7890)

v. Docket No. _____
Commonwealth of Pennsylvania
Department of _____,
Appellee

(c) The appeal shall set forth name, address and telephone number of the appellant.

(d) If the appellant has received written notification of an action of the Department, the notification shall be attached to the appeal.

(e) The appeal shall set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal. An objection not raised by the appeal or an amendment thereto under § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals) shall be deemed waived, provided that, upon good cause shown, the Board may agree to hear the objection. For the purpose of this subsection, good cause shall include the necessity for determining through discovery the basis of the action from which the appeal is taken.

(f) Within 10 days after the filing of a notice of appeal, the appellant shall serve a copy thereof on each of the following:

(1) The office of the Department issuing the notice of Departmental action.

(2) The Office of Chief Counsel of the Department or agency taking the action appealed.

(3) Where the appeal is from the granting of a permit, license, approval or certification, the recipient thereof.

(g) The service upon the recipient of a permit, license, approval or certification as required by this section, shall subject the recipient to the jurisdiction of the Board as a party appellee.

(h) Upon order of the Board, the appellant shall provide satisfactory proof that service has been made as required by this section.

(i) Subsections (a)—(h) supersede 1 Pa. Code §§ 35.5—35.7 and §§ 35.9—35.11 (relating to informal complaints; and formal complaints).

§ 1021.53. Amendments to appeal; nunc pro tunc appeals.

(a) An appeal may be amended as of right within 20 days after the filing thereof.

(b) After the 20-day period for amendment as of right, the Board, upon motion by the appellant, may grant leave

for further amendment of the appeal. This leave may be granted if appellant establishes that the requested amendment satisfies one of the following conditions:

(1) It is based upon specific facts, identified in the motion, that were discovered during discovery of hostile witnesses or Departmental employees.

(2) It is based upon facts, identified in the motion, that were discovered during preparation of appellant's case, that the appellant, exercising due diligence, could not have previously discovered.

(3) It includes alternate or supplemental legal issues, identified in the motion, the addition of which will cause no prejudice to any other party or intervenor.

(c) An appellant may not request leave to amend a notice of appeal after the Board has decided any dispositive motions or the case has been assigned for hearing, whichever is later.

(d) These motions shall be governed by the procedures in §§ 1021.70 and 1021.74 (relating to general; and miscellaneous motions) except that the motion shall be verified and supported by affidavits.

(e) If motion to amend is granted, a party may request, in writing, a period of time to conduct additional discovery limited to the issues raised by the amendment. These requests shall specify a period deemed necessary therefor. The Board will act on any such request as its discretion requires.

(f) The Board upon written request and for good cause shown may grant leave for the filing of an appeal nunc pro tunc, the standards applicable to what constitutes good cause shall be the common law standards applicable in analogous cases in courts of common pleas in this Commonwealth.

(g) Subsections (a)—(f) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

COMPLAINTS FOR CIVIL PENALTIES**§ 1021.57. Form and content.**

(a) The caption of a complaint for civil penalties shall be in the following form:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF _____

v. Docket No. _____

Joe Doe
234 Main Street
Smithtown, Jones County, Pennsylvania

(b) The complaint for civil penalties shall set forth the statutory authority under which the Board is authorized to assess the penalties.

(c) The complaint for civil penalties shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for civil penalties is based.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

INTERVENTION**§ 1021.62. Intervention.**

(a) A person may petition the Board to intervene in any pending matter prior to the initial presentation of evidence.

(b) A petition to intervene shall be verified, and shall contain sufficient factual averments and legal assertions to establish the following:

- (1) The reasons the petitioner seeks to intervene.
 - (2) The basis for asserting that the identified interest is greater than that of the general public.
 - (3) The manner in which that interest will be affected by the Board's adjudication.
 - (4) The specific issues upon which the petitioner will offer evidence or legal argument.
- (c) A copy of the petition shall be served upon the parties to the proceedings.
- (d) A party may file an answer to the petition. An answer shall be verified and filed within 15 days after service of the petition, unless a shorter time is ordered by the Board.

(e) The Board will deny the petition if it fails to include sufficient legal grounds or verified factual averments to establish the right to intervene.

(f) If the Board grants the petition, the order may specify the issues as to which intervention is allowed. An order granting intervention allows the intervening party to participate in the proceedings remaining at the time of the order granting intervention.

(g) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.27—35.32 and 35.36 (relating to intervention; and answers to petitions to intervene).

TERMINATION OF PROCEEDINGS

§ 1021.120. Termination of proceedings.

(a) In cases where a proceeding is sought to be terminated by the parties as a result of a settlement agreement, the terms of the settlement shall be submitted to the Board for approval and the major substantive provision thereof shall simultaneously be published in the *Pennsylvania Bulletin*. The settlement, unless the terms of the settlement itself provide otherwise, is effective immediately upon approval by the Board subject to reopening if an objection is filed as set forth in subsection (b), and upheld by the Board. An aggrieved party objecting to the proposed settlement may, within 20 days after publication, appeal to the Board under this section and request a hearing on its objections.

(b) The notice shall be in substantially the following form:

RE: (Case and Docket Number)

The Commonwealth of Pennsylvania (Department of _____) and (party or parties) have agreed to a settlement of the above matter. The Commonwealth had ordered under date of _____, the (party or parties) to:

(Summarize order or appeal describing other action of the Commonwealth from which appeal was taken.)

The parties have agreed to a settlement, the major provisions of which include:

(Summarize major substantive provisions of settlement agreement.)

Copies of the full agreement are in the hands of:

(Names, addresses of counsel and telephone numbers) and at the office of the Environmental Hearing Board, and may be reviewed by an interested party on request during normal business hours.

A person believing himself aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, Pennsylvania 17105-8457.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

(c) The parties shall be responsible for the contents and publication of the notice.

(d) The cost of publication shall be borne by the party appealing the Department action, unless otherwise ordered by the Board.

(e) When a proceeding is withdrawn from the Board by a party prior to adjudication, withdrawal shall be with prejudice as to all matters which have preceded the action unless otherwise indicated by the Board.

REHEARING OR RECONSIDERATION

§ 1021.122. Reopening of record prior to adjudication.

(a) After the conclusion of the hearing on the merits of the matter pending before the Board and before the Board issues an adjudication, the Board, upon its own motion or upon a petition filed by a party, may reopen the record as provided in this section.

(b) The record may be reopened upon the basis of recently discovered evidence when all of the following circumstances are present:

(1) Evidence has been discovered which would conclusively establish a material fact of the case or would contradict a material fact which had been assumed or stipulated by the parties to be true.

(2) The evidence is discovered after the close of the record and could not have been discovered earlier with the exercise of due diligence.

(3) The evidence is not cumulative.

(c) The record may also be reopened to consider evidence which has become material as a result of a change in legal authority occurring after the close of the record. A petition to reopen the record on this basis shall specify the change in legal authority and demonstrate that it applies to the matter pending before the Board. Such a petition need not meet the requirements of subsection (d)(2) and (3).

(d) A petition seeking to reopen the record shall:

(1) Identify the evidence which the petitioner seeks to add to the record.

(2) Describe the efforts which the petitioner had made to discover the evidence prior to the close of the record.

(3) Explain how the evidence was discovered after the close of the record. A petition filed under subsection (b) shall be verified and all petitions shall contain a certification by counsel that the petition is being filed in good faith and not for the purpose of delay.

(e) The petition shall be served upon the parties to the proceedings. A petition will be treated as a miscellaneous motion under § 1021.74 (relating to miscellaneous motions) except that the motion would have to be verified or supported by affidavits. The answer shall be verified if it includes factual assertions which are not of record.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 35.232 and 35.233 (relating to reopening of record; and reopening by agency action).

Comment: This sets a standard which is more stringent than the materiality test of *Spang & Company v. DER*, 592 A.2d 815 (Pa. Cmwlth. 1991), but broader than the grounds justifying reconsideration. The procedure differs from the standard motions practice under §§ 1021.70—1021.74.

§ 1021.123. Reconsideration of interlocutory orders.

(a) A petition for reconsideration of an interlocutory order or ruling shall be filed within 10 days of the order or ruling. The petition must demonstrate that extraordinary circumstances justify consideration of the matter by the Board.

(b) A copy of the petition shall be served upon the parties. A party wishing to file an answer may do so within 10 days of service or as ordered by the Board.

(c) The failure of a party to file a petition under this section will not result in a waiver of any issue.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 35.241 (relating to rehearing or reconsideration).

Comment: There is no need to file a petition for reconsideration of an interlocutory order in order to preserve an issue for later argument. Reconsideration is an extraordinary remedy and is inappropriate for the vast majority of the rulings issued by the Board.

§ 1021.124. Reconsideration of final orders.

(a) A petition for reconsideration of a final order shall be filed within 10 days of the date of the final order. Reconsideration is within the discretion of the Board and will be granted only for compelling and persuasive reasons. These reasons may include the following:

(1) The final order rests on a legal ground or a factual finding which has not been proposed by any party.

(2) The crucial facts set forth in the petition:

(i) Are inconsistent with the findings of the Board.

(ii) Are such as would justify a reversal of the Board's decision.

(iii) Could not have been presented earlier to the Board with the exercise of due diligence.

(b) A copy of the petition shall be served upon all parties simultaneously with and in the same manner as the filing of an appeal with the Board. A party wishing to file an answer may do so within 10 days of service or as ordered by the Board.

Comment: This provides a shorter time than the standard motions practice, since reconsideration must be granted within 30 days under Pa.R.A.P. 1701. The Board's period for reconsideration of final orders will run contemporaneously with the 30-day right of appeal to Commonwealth Court.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.241 (relating to rehearing or reconsideration).

Comment: This subsection is derived from the prior § 21.122.

SANCTIONS

§ 1021.125. Sanctions.

The Board may impose sanctions upon a party for failure to abide by a Board order or Board rule of practice

and procedure. The sanctions may include the dismissal of an appeal or an adjudication against the offending party, orders precluding introduction of evidence or documents not disclosed in compliance with an order, barring the use of witnesses not disclosed in compliance with an order, barring an attorney from practice before the Board for repeated or flagrant violation of orders, or other sanctions as are permitted in similar situations by Pa.R.C.P. for practice before the court of common pleas.

ATTORNEY FEES AND COSTS AUTHORIZED BY THE COSTS ACT

§ 1021.131. Scope.

This section and §§ 1021.132—1021.134 applies to applications for an award of fees and expenses under the Costs Act.

§ 1021.132. Application for fees and expenses.

(a) An application for fees and expenses shall be verified and shall set forth sufficient grounds to justify the award. It shall also include the following:

(1) Identification of the final order under which the applicant claims to be a prevailing party.

(2) A statement of the basis upon which the applicant claims to be a prevailing party under the Costs Act.

(3) Specific information which is sufficient to demonstrate that the applicant meets the definition of "party" under the Costs Act.

(4) An itemized list of recoverable fees and expenses including hours worked, the rate charged, a reasonable description of the work performed during those hours, and the nature and reasonableness of the expenses.

(5) The basis for the allegation that the position of the Department was not substantially justified.

(b) An applicant shall file an application with the Board within 30 days of the date of the final order under which the applicant claims to have prevailed, and shall be docketed at the same number as that order. An applicant shall simultaneously serve upon counsel of record for the Department a copy of the application in the same manner that it is filed with the Board. Service by telefax shall satisfy the requirements of this rule, if an additional copy is mailed on the same day.

(c) An application may be denied sua sponte if it fails to provide all the information required by this section in sufficient detail to enable the Board to grant the relief requested.

Comment: In preparing the petition to submit to the Board, an applicant should consider the material contained in 4 Pa. Code Chapter 2, Subchapter A (relating to submission and consideration of applications for awards of fees and expenses) and the Board's prior decisions.

§ 1021.133. Response to application.

(a) The Department or other interested party shall file its response within 15 days of the filing of an application. The response shall include the following:

(1) Raise any challenge to the sufficiency of the application.

(2) Demonstrate, if applicable, that the Department's action was substantially justified.

(3) Identify special circumstances which would make the award unjust.

(b) If the response asserts that the action of the Department was substantially justified, it shall include the following:

- (1) A statement of the Department's basis for its action.
- (2) A summary of the testimony and exhibits either in evidence or offered into evidence in support of that basis.
- (3) The legal justification for the action taken.
- (c) When an applicant prevails and no record has been made before the Board, the Department may justify its action with affidavits.

§ 1021.134. Disposition of application.

- (a) Each party shall file a brief simultaneously with the filing of its application or response.
- (b) The Board will award fees and expenses based upon the application and response if it finds the following:
 - (1) The applicant is a prevailing party as defined in the Costs Act.
 - (2) The application presents sufficient justification for the award of fees and expenses.
 - (3) The action of the Department was not substantially justified, in that it had no reasonable basis in law or in fact.
 - (4) There are no special circumstances which would make the award unjust or unreasonable.
- (c) The Board will not find the Department's action to be substantially justified, if the response fails to present a prima facie case in support of the Department's legal position.
- (d) The Board may reduce the amount of an award of fees and expenses, or deny the award, to the extent that the applicant engaged in conduct during the course of the proceedings which unduly and unreasonably protracted the final resolution of the matter in controversy.

ATTORNEY FEES AND COSTS AUTHORIZED BY STATUTE OTHER THAN THE COSTS ACT

§ 1021.141. Scope.

This subchapter applies to requests for costs and attorney fees when authorized by statute other than the Costs Act. When a statute provides procedures inconsistent with these procedures, the statutory procedures will be followed.

§ 1021.142. Application for costs and fees.

- (a) A request for costs and fees shall be by verified application, setting forth sufficient grounds to justify the award, including the following:
 - (1) A copy of the order of the Board in the proceedings in which the applicant seeks costs and attorney fees.
 - (2) A statement of the basis upon which the applicant claims to be entitled to costs and attorney fees.
 - (3) A detailed listing of the costs and attorney fees incurred in the proceedings.

(b) An applicant shall file an application with the Board within 30 days of the date of a final order of the Board. An applicant shall serve a copy of the application upon the other parties to the proceeding.

(c) The Board may deny an application sua sponte if it fails to provide all the information required by this section in sufficient detail to enable the Board to grant the relief requested.

§ 1021.143. Response to application.

A response to an application shall be filed within 15 days of service. A factual basis for the response shall be verified by affidavit.

§ 1021.144. Disposition of application.

- (a) Each party may file a brief in accordance with a schedule established by the Board.
- (b) The Board may allow discovery and the taking of testimony in order to resolve any factual issues raised by the application and response.

ATTORNEY FEES AND COSTS UNDER MORE THAN ONE STATUTE

§ 1021.151. Application for counsel fees under more than one statute.

An applicant seeking to recover fees and costs under more than one statute shall file a single application which sets forth, in separate counts, the basis upon which fees and costs are claimed under each statute.

[Pa.B. Doc. No. 96-1431. Filed for public inspection August 30, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 175]

Vehicle Equipment and Inspection

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority contained in 75 Pa.C.S. §§ 4103, 4301, 4501, 4521 and 6103 (Vehicle Code), proposes to amend Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A. The statutory provisions, respectively, direct the Department to promulgate vehicle equipment standards for vehicles, equipment and devices; direct the Department to promulgate regulations governing lighting, brakes and other vehicle equipment; and authorize the Department to promulgate regulations to implement the Vehicle Code.

Purpose of this Chapter

The purpose of Chapter 175 is to establish and maintain regulations concerning permitted or required equipment on motor vehicles, and to regulate the vehicle equipment safety inspection process.

Purpose of these Proposed Amendments

The purpose of these proposed amendments is to revise the equipment and inspection standards as they relate to auxiliary driving lights; light truck exhaust systems; doors; windows and tailgates on trucks and trailers; suspension systems; bumper heights; vehicle body mounts; rear wheel shields; windshield defrosters; motorcycle brakes; and windshields on street rods, reconstructed and specially constructed vehicles. These proposed amendments also modify and add definitions to clarify the meaning of terms used in this chapter. These proposed amendments are the result of suggestions and information received at Department seminars attended by vehicle owners, inspection station mechanics and owners, vehicle manufacturers, new and used car dealers, the Pennsylvania Automotive Association and the State Police. Additionally, the Department formed a Safety Inspection Roundtable group that met on February 21, 1995. The group consisted of representatives from the Department, State Police, Pennsylvania Council of Automotive Associations, Delaware County Automotive Association, Bucks County Automotive Association, Pennsylvania Independent Automotive Dealers Association, American Automobile Association, Automotive Service Association, an independent automotive repair shop, a community college and a vocational-technical school. During the course of the meeting the group was made aware of the proposed amendments to this chapter and no objections were raised.

The significant provisions of these proposed amendments include the following:

1. Section 175.2 (relating to definitions) has been amended by amending five definitions to reference the terms as defined in section 102 of the Vehicle Code (relating to definitions). The Department believes that amending the definitions of the terms "classic motor vehicle," "implement of husbandry," "passenger car," "reconstructed vehicle" and "registered gross weight" in this manner will promote consistency between the Vehicle Code and this chapter. Further, these proposed amend-

ments will eliminate the possibility of inspection station mechanics and other affected persons confusing the meaning of these terms. To eliminate confusion, the definition of the term "school bus" has also been added.

Moreover, this section is proposed to be amended by amending the definition of the term "antique motor vehicle" to clarify that a vehicle will not be considered an antique motor vehicle unless registered with the Department as an antique motor vehicle. This clarification is necessary since antique motor vehicles are exempt from inspection. Further, the definition of the term "ornamental lamps" is proposed to be amended to clarify for inspection station owners and mechanics which lamps are not acceptable for inspection purposes. The current definition does not make it clear what criteria to follow when determining whether a lamp is ornamental or has a specific function. This has created an inconsistency in interpretation by which certain ornamental lamps, for example undercarriage lights, are considered by certain inspection station mechanics as having a function, even though these lights are not set forth in the tables relating to required lamps. This amendment will make it easier for inspection station owners and mechanics to determine which lamps are ornamental and promote consistency in inspections throughout this Commonwealth.

Finally, a definition of the term "cargo lamp" has been added to clarify for inspection station mechanics what is meant by this term. A cargo lamp is installed on multi-purpose vehicles, trucks and buses to illuminate cargo area for loading and unloading. This section is proposed to be amended to allow cargo lamps on vehicles on which these lamps are installed by the vehicle manufacturer as original equipment. This definition will explain to inspection station mechanics what is considered a cargo lamp.

2. Sections 175.64(b)(5), 175.94(b)(10), 175.123(b)(7) and 175.144(b)(6) are proposed to be amended to require that lines being used as brake lines be of a type constructed and used as a brake line. This requirement is being proposed as a safety measure to ensure that inferior quality lines are not installed as brake lines. These proposed amendments will help ensure the safety of vehicle owners and the motoring public.

3. Sections 175.65(b), 175.95(b), 175.124(b) and 175.145(b), relating to tires and wheels, are proposed to be amended to clarify that tires with equivalent metric size designations may be used in place of tires conforming to vehicle manufacturers' specifications. Since many standard—English measurement—tire sizes are no longer available, older vehicles with tires of the equivalent metric size are unfairly rejected. These proposed amendments will eliminate this practice.

4. Section 175.65(h) (relating to tires and wheels) has been added to prohibit the use of spacers or similar devices to increase wheel track. Spacers are devices installed between the hub and wheel of the vehicle to increase the distance the tire and wheel assembly extends beyond the body. When this is done, the tires' tread will often extend beyond the body and cause splash and spray conditions during periods of inclement weather. Additionally, the use of spacers decrease the amount of available wheel bolt thread that is used to secure the wheel assembly to the vehicle. The addition of this subsection will help ensure the safety of the motoring public as well as operators of affected motor vehicles.

5. Sections 175.66(l)(3) and 175.96(l)(3) (relating to lighting and electrical systems; and lighting and electrical systems) are proposed to be amended by changing the minimum height requirement for auxiliary driving lights from a minimum height of 12 inches above the ground surface to the lowest chassis part. Because many newer-model vehicles are manufactured with auxiliary driving lights below the bumper, these vehicles cannot comply with current Department regulations. Without this proposed amendment, sales of these affected vehicles would be hindered in this Commonwealth. These proposed amendments will benefit motor vehicle dealers and owners of affected vehicles. Further, a paragraph (9) has been added to both subsections to allow for the mounting of roof and roll bar lights. This provision is necessary to conform with section 4303(f) of the Vehicle Code (relating to general lighting requirements) which was added by the act of November 24, 1992 (P.L. 725, No. 109). Section 4303(f) of the Vehicle Code permits the mounting of off-road lighting lamps on the roof or roll bar of a vehicle as long as these lights are covered while the vehicle is being operated on a highway or trafficway.

6. Sections 175.77(f), 175.107(f) and 175.127(c) (relating to body) are proposed to be amended for clarification purposes to require the doors of vehicles to operate as originally designed. The current regulations only require vehicles to be equipped with doors that close securely. Inspection station mechanics have interpreted this language as allowing vehicle doors to be bolted or welded closed. This interpretation, however, makes it impossible for a person to get out of a vehicle in an emergency. Further, these subsections are proposed to be amended to permit wood planking, tailgate nets or other material to be used as a tailgate on trucks and trailers. These proposed amendments will allow vehicle owners to alter their vehicles as long as provisions are made to prevent the loss of loads. As a result, vehicles altered with wood planking, tailgate nets or other material will no longer fail inspection for lack of a standard tailgate. This clarification will aid inspection station mechanics in their work as well as benefit affected vehicle owners.

7. Sections 175.78(e)(5) and (6) and 175.80(a)(8)(iii) and (iv) (relating to chassis) are proposed to be amended by changing the height measurement requirement for the front and rear bumpers on passenger cars and light trucks. The current regulations require the measurement of the bumper from the ground to the bottom edge of the bumper. The proposed amendments require the measurement from a level ground surface to the bottom of the frame rail. This proposed amendment is necessary since the current provisions are being circumvented by the addition of supplemental bumper bars that allow unsafe vehicle heights. Because of the high center of gravity created by the excessive modifications of vehicles, single vehicle roll-overs continue to be one of the most significant causes of property damage and bodily injury. The proposed language provides for maximum heights of vehicles that are based on vehicle weight and class of vehicle so that owners of modified vehicle and inspection station mechanics are made fully aware of the requirements. This proposed amendment is adopted from recommended guidelines set forth in the January, 1988, Motor Vehicle Manufacturers Association (MVMA) information paper entitled, "Regulation of Raised Vehicles."

8. Sections 175.78(h) and 175.108(l) (relating to chassis), are proposed to be amended to provide that body mounts are not allowed to be broken, cracked, deteriorated or missing. Body mounts are designed to attach the chassis to the body of a vehicle. Substandard body

mounts could result in the separation of the body from the chassis in an accident, possibly causing further injury and damage. Omission of this requirement was an oversight by the Department and the importance of inspecting this part of vehicle equipment was brought to our attention by inspection station mechanics and the State Police. Further, §§ 175.80(d)(5) and 175.110(d)(8) (relating to inspection procedure) are proposed to be amended so that a vehicle will be rejected if body mounts do not hold as required, or are broken, cracked, deteriorated or missing.

9. Sections 175.78(i) and 175.80(a)(7)(iii) are proposed to be amended to require trucks to be constructed or equipped to prevent substances from passing in a straight line to the rear of the vehicle. These proposed amendments reflect the requirements of section 4533 of the Vehicle Code (relating to rear wheel shields). The inclusion of this requirement will enhance the safety of the motoring public since substances from lead vehicles will be less likely to obstruct the visibility of a vehicle directly behind the lead vehicle.

10. Sections 175.80(a)(3)(v) and 175.110(a)(3)(v) are proposed to be amended to require the inspection station mechanic to reject the vehicle if the windshield washers do not operate. This requirement only applies to vehicles originally equipped with windshield washers. Since the operation of the windshield wipers is checked during inspection, mechanics felt that a check of the windshield washers should be done as well, especially since both can usually be checked simultaneously. Further, windshield washers are required equipment on vehicles originally equipped with them, so the Department believes they should be addressed in the inspection procedures.

12. Section 175.105(b)(5) (relating to exhaust systems) is proposed to be amended by mirroring Federal Motor Carrier Safety Regulations at 49 CFR 393.83 (relating to exhaust system location). The Federal regulations set forth the exhaust location requirements for trucks, truck tractors, buses powered by gasoline engines and buses powered by fuel other than gasoline. The current regulations require an exhaust system to extend and discharge completely to the outside edge of the vehicle body or as originally designed. The affected vehicles were manufactured with the exhaust systems specified at 49 CFR 393.83. The proposed amendment will help ensure that affected vehicles are equipped with the correct type of exhaust system. This will ensure that exhaust fumes are not filtering through windows into passenger compartments, thereby protecting the health and the safety of affected vehicle owners.

This section is proposed to be further amended to allow school buses until June 15, 1998, to comply with these requirements. The Department's school bus equipment regulations at Chapter 171 (relating to school buses and school vehicles), presently allow the tailpipe of school buses to either extend beyond the rear axle, to the rearmost part of the bus; or it may extend to, but not beyond, the body of the left side of the school bus within 60 inches of the left rear wheel. At 25 Pa.B. 5589 (December 9, 1995), the Department proposed to amend Chapter 171 to be consistent with Federal exhaust system requirements. Realizing, however, that many school buses are equipped with the exhaust systems presently allowed by the current regulations, the Department decided to provide school bus owners and operators with sufficient time to equip affected vehicles in accordance with Federal requirements. The June 15, 1998, date was agreed to after meeting with school bus owners and operators, school districts and the Pennsylvania School Bus Association.

The Department expects the proposed amendments to Chapter 171 to be adopted by September 1996. Therefore, the Department has proposed to amend § 175.105(b)(5) to include this exception. Failure to do so would result in many school buses not passing vehicle equipment safety inspections, thereby inconveniencing many school bus owners, operators and students. Section 171.110(d)(6) has a similar proposed amendment.

11. Section 175.108(f) and § 175.128(d) (relating to chassis) are proposed to be amended to more closely mirror 49 CFR 393.86 (relating to rear end protection). The Federal regulations set forth requirements for rear bumper clearance, distance between rear bumpers or devices and location of rear bumpers or devices. These requirements are used by motor carrier enforcement personnel when citing motor carriers or motor carrier drivers for violations. Motor carriers and motor carrier drivers are required to adhere to the Federal regulations. Therefore, the Department believed that one set of requirements would benefit affected persons and eliminate confusion.

12. Section 175.160(b)(3) (relating to inspection procedure) is proposed to be amended to permit braking systems on motorcycles to be visually inspected. Under the current regulations, inspection station mechanics must remove the wheels to inspect the braking system on a motorcycle. Often this process includes the removal of the drive chain or other equipment before the brakes may be inspected. This results in increased costs for motorcycle owners since the labor involved goes beyond simply removing the wheel to check the brake linings. The proposed amendment will eliminate the necessity of removing the wheels if the motorcycle is equipped with view ports or mechanical brake wear indicators. Further, this proposed amendment will reduce costs to affected motorcycle owners since the labor involved will be significantly reduced.

13. Section 175.206(b)(1) (relating to glazing) is proposed to be amended to allow windshields between 7 inches and 12 inches in vertical height on street rods, specially constructed and reconstructed vehicles. This proposed amendment applies if the original body configuration had a windshield of less than 12 inches. This will allow a vehicle owner to conform the vehicle more closely with the original manufacturer's design, thereby possibly enhancing the value of the vehicle.

14. Section 175.209(b) (relating to chassis) is proposed to be amended to allow street rods, specially constructed and reconstructed vehicles to be inspected without a bumper if the vehicle was originally designed without one. This proposed amendment will allow a vehicle owner to conform the vehicle more closely with the original manufacturer's design, thereby possibly enhancing the value of the vehicle.

Persons or Entities Affected

These proposed amendments affect vehicle owners, inspection station personnel and the State Police.

Fiscal Impact

These proposed amendments do not directly impose additional costs on State or local governments. These proposed amendments establish rules and standards concerning the inspection and equipment requirements by

persons who own or operate motor vehicles. Vehicle owners that have elevated their vehicle's body or suspension excessively may experience an increase in costs when conforming their vehicles with the requirements of these regulations. Further, owners of medium and heavy trucks, buses, school buses and trailers with removable backing plates on the wheels may experience some increased labor costs since these proposed amendments require wheel and drum assemblies to be removed so the braking system can be more thoroughly inspected. Owners of motorcycles with view ports or mechanical brake wear indicators may see a decrease in inspection costs since the wheels will not have to be removed before the braking system can be inspected. These proposed amendments will not require the completion of any additional forms, reports or other paperwork.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Department submitted on August 21, 1996, a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. The Department has also provided IRRC and the Committees with a detailed Regulatory Analysis Form, prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

Sunset Provisions

The Department is not establishing a sunset date for these amendments since these amendments are needed to administer provisions required under the Vehicle Code. The Department, however, will continue to monitor these amendments closely for their effectiveness.

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed amendments to Louis J. Curl III, Director, Bureau of Motor Vehicles, 4th floor—River Front Office Center, 1101 S. Front St., Harrisburg, 17104, (717)787-2304, within 30 days of the publication of this proposal in the *Pennsylvania Bulletin*.

Contact Person:

John P. Munafa
Vehicle Control Division
3rd floor—River Front Office Center
1101 S. Front St.
Harrisburg, PA 17104
(717) 787-2895

BRADLEY L. MALLORY,
Secretary

Fiscal Note: 18-331. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

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

* * * * *

Antique motor vehicle—A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer's specifications and registered with the Department as an antique motor vehicle.

* * * * *

Cargo lamp—A lamp mounted on a multipurpose passenger vehicle, truck or bus that provides illumination to load or unload cargo.

* * * * *

Classic motor vehicle—[A self-propelled vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and, because of discontinued production and limited availability, determined by the Department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer's specifications and appearance] The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

* * * * *

Implement of husbandry—[A vehicle designed or adapted and determined by the Department to be used exclusively for agricultural operations and only incidentally operated or moved upon highways] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Ornamental lamps—[A lamp with no specific function] Lamps not required and not located as described in Tables III, IV and V, unless installed as original equipment by the vehicle manufacturer or made available by a vehicle manufacturer.

* * * * *

Passenger car—[A motor vehicle, except a motorcycle, designed for carrying ten passengers or less and primarily used for the transportation of persons] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Pole trailer—A trailer, including those with a variable wheelbase, attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads, including poles, pipes or structural

members capable of sustaining themselves as beams between the supporting connections.

* * * * *

Reconstructed vehicle—[A vehicle assembled largely from essential parts derived from other vehicles of various generally recognized makes or models or which has been materially altered by the removal, addition or substitution of essential parts derived from various other makes or models and which cannot be readily identified as a vehicle of a generally recognized make or model] The term as defined in 75 Pa.C.S. § 102.

* * * * *

Registered gross weight—[The maximum gross weight at which a vehicle or combination is registered in this Commonwealth to operate upon a highway] The term as defined at 75 Pa.C.S. § 102.

* * * * *

School bus—The term as defined at 75 Pa.C.S. § 102.

* * * * *

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

§ 175.64. Braking systems.

* * * * *

(b) *Service brakes*. A vehicle specified under this subchapter shall be equipped with a service brake system. See 75 Pa. C. S. § 4502 (relating to general requirements for braking systems).

(1) The service brakes shall act on all wheels upon application and shall be capable of stopping a vehicle in not more than the maximum stopping distance prescribed in Table I (relating to brake performance), except on a vehicle being transported in [driveaway-tow-away] driveaway-towaway operation.

* * * * *

(5) Brake lines shall be approved for use as brake lines.

* * * * *

§ 175.65. Tires and wheels.

* * * * *

(b) *Tire standards*. A vehicle specified under this subchapter shall have tires which conform to the vehicle manufacturer's specifications as to tire size and were manufactured in conformance with standards contained in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

* * * * *

(g) *Tires and rims*. The axles of a vehicle specified under this subchapter shall be equipped with the number and type of tires and rims as originally [designed] offered by the manufacturer.

(h) *Spacers*. Spacers or similar devices may not be installed to increase wheel track.

§ 175.66. Lighting and electrical systems.

* * * * *

(f) *Illumination except headlamps, fog lamps and auxiliary driving lamps.* A vehicle specified under this subchapter shall have parking lamps, stop lamps, tail lamps, turn signal lamps and hazard warning lamps of a **type used as original equipment** which, under normal atmospheric conditions shall be capable of being seen and distinguished during nighttime operation at a distance of 500 feet. See 75 Pa.C.S. § 4303(b) [(c)]—(d).

* * * * *

(j) *Back-up lamps.* Back-up lamps **[shall] are not permitted to be lighted** when the **[car] vehicle** is in forward motion. Back-up lamps shall turn off automatically when the vehicle goes forward. If the lamps do not turn off automatically, a dash indicator that lights or creates audible warning is required.

* * * * *

(l) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a passenger vehicle or light truck if **[they] the lamps** comply with the following **[requirements]:**

* * * * *

(2) Fog lamps **[shall] may not be substituted for headlamps [except under conditions of rain or fog. Fog lamps may only be used with lower headlamp beams]**.

(3) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced **[not less than] at least 20 inches** apart from center to center and at a height not **[less than 12 inches nor]** more than 42 inches above the level surface upon which the vehicle stands **nor lower than the lowest chassis part.**

* * * * *

(9) **In accordance with 75 Pa.C.S. § 4303(f) (relating to general lighting requirements), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or trafficway and are covered with an opaque covering at all times while operating on the highway or trafficway. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.**

(10) **White or clear cargo lamps are permitted if installed as original equipment.**

* * * * *

(n) *Battery fastening.* A vehicle specified under this subchapter shall be equipped with a system for secure fastening of the battery **that is equivalent to those used as original equipment.**

§ 175.67. Glazing.

* * * * *

(d) *Obstructions.* A vehicle specified under this subchapter shall have glazing free from obstructions as described in § 175.80 (relating to inspection procedure).

* * * * *

(4) **Vehicles specified under this subchapter may not have an obstruction forward of the windshield which extends more than 2 inches upward into the**

horizontally projected vision area of the windshield with the exception of windshield wiper components.

§ 175.75. Exhaust systems.

* * * * *

(b) *Exhaust system requirements.* A vehicle specified under this subchapter shall be constructed, equipped, maintained and operated **[so as]** to prevent engine exhaust gases from penetrating and collecting in any part of **the** vehicle occupied by the driver or a passenger, in addition to requirements of this title for an emission control system and smoke control for a diesel-powered vehicle.

(1) A vehicle specified under this subchapter shall be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. **[No] A muffler or exhaust system [shall] may not be equipped with a cutout, bypass or similar device and [no] a muffler [shall] may not show evidence of external repair.**

(2) **[No] A person [shall] may not modify the exhaust system of a motor vehicle in a manner which will amplify or increase noise emitted by the motor of a vehicle above the maximum level permitted by Chapter 157 (relating to established sound levels).**

* * * * *

(5) An exhaust system shall extend and discharge completely to the outside edge of the vehicle body, **including a truck bed,** or as originally designed.

* * * * *

§ 175.77. Body.

* * * * *

(f) *Doors.* A vehicle specified under this subchapter shall be equipped with doors of a type used as original equipment. The doors shall **[close securely] function as originally designed. Tailgates, except on vehicles where the tailgate gives access to the passenger compartment, may be replaced with wood planking, nets or other material that will prevent loss of load. Tailgates may be removed when optional equipment, for example a truck camper, is added.**

§ 175.78. Chassis.

* * * * *

(c) *Motor mounts.* **[A motor mount shall] Motor mounts may not be broken, cracked or missing.**

* * * * *

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, securely attached to the chassis or frame. See 75 Pa.C.S. § 4536 (relating to bumpers).

* * * * *

(5) **Bumper height. Bumper height shall be as follows:**

(i) Some part of **[a] the main horizontal bumper bar, exclusive of any bumper guards,** on passenger vehicles **and light trucks** shall fall within 16**[—20]** inches above ground level **and may not exceed the following limits:**

Vehicle Class	Maximum Height	
	Front Bumper or Frame	Rear Bumper or Frame
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger vehicles 5,000 lbs. or less	24 inches	26 inches
5,001 lbs.—7,000 lbs.	27 inches	29 inches
7,001 lbs.—9,000 lbs.	28 inches	30 inches
9,001 lbs.—11,000 lbs.	30 inches	30 inches

(ii) The height measurement shall be made to the bottom of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

(A) The bumper height, relative to the frame rail, has been altered.

(B) The vehicle was not originally equipped with a front or rear bumper.

(C) A supplemental bumper has been added.

(D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper.

[(6) Some part of a horizontal bumper bar on a multipurpose passenger vehicle and light truck shall fall within 16—30 inches above ground level.]

* * * * *

(h) **Body mounts.** Body mounts may not be broken, cracked, deteriorated or missing.

(i) **Rear wheel shields.** Trucks shall be constructed or equipped to bar water or other road surface substances thrown from rear wheels of the vehicle at tangents exceeding 22.5°, measured from the road surface, from passing in a straight line to rear of the vehicle. See 75 Pa.C.S. § 4533 (relating to rear wheel shields).

§ 175.80. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

* * * * *

(ii) When vehicle ownership and legality are demonstrated by presentation of vehicle registration card:

* * * * *

(D) The license plate lamp, if **originally** so equipped, does not illuminate the license plate.

* * * * *

(2) Check glazing.

(i) Reject if [**any**] **one or more** of the following apply:

(A) Approved safety glazing is not [**used**] present in every windshield, window [**and**] or wing as **originally designed**.

* * * * *

(G) There are defects in an acute area of the windshield—center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision, 8 1/2 inches wide and 5 1/2 inches high—or discolorations or hazardous cracks to the front, right, left or rear of the driver which would interfere with the driver's vision. See Appendix C.

* * * * *

(3) Check the windshield wiper system and reject if [**any**] **one or more** of the following apply:

* * * * *

(v) **The windshield washers, if originally so equipped, do not operate.**

(4) Check the door operation, including the tailgate, and reject if [**any**] **one or more** of the following apply:

(i) The doors, **except a tailgate on a pick-up truck**, are not on the vehicle if originally fitted by the manufacturer.

(ii) The doors, including the tailgate, [**cannot be closed securely**] **do not function as originally designed.**

(5) Check **outside** mirrors and reject if [**any**] **one or more** of the following apply:

* * * * *

(iii) **The mirrors, if originally so equipped, are missing.**

(6) Check fenders, hood and trunk lid and reject if [**any**] **one or more** of the following apply:

(i) A fender—front [**and**] or rear—has been removed.

* * * * *

(iv) The trunk lid **is not present** or does not close **securely.**

* * * * *

(7) Check the flooring and floor beds and reject if [**any**] **one or more** of the following apply:

* * * * *

(iii) **A truck is not equipped with rear wheel shields—mud flaps—as required under 75 Pa.C.S. § 4533 (relating to rear wheel shields).**

* * * * *

(8) Check the bumpers and reject if [**any**] **one or more** of the following apply:

* * * * *

(iii) Some part of the **main** horizontal bumper bar, **exclusive of bumper guards**, on passenger [**vehicles**] cars, multipurpose passenger vehicles and light trucks does not fall within 16[—20] inches above ground level or **exceeds the following limits:**

Vehicle Class	Maximum Height	
	Front Bumper or Frame	Rear Bumper or Frame
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger vehicles 5,000 lbs. or less	24 inches	26 inches
5,001 lbs.—7,000 lbs.	27 inches	29 inches

Maximum Height
Front Rear

7,001 lbs.—9,000 lbs. 28 inches 30 inches
9,001 lbs.—11,000 lbs. 30 inches 30 inches

(iv) [Some part of the horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16—30 inches above ground level.] The height measurement shall be made to the bottom of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

(A) The bumper height, relative to the frame rail, has been altered.

(B) The vehicle was not originally equipped with a front or rear bumper.

(C) A supplemental bumper has been added.

(D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper.

* * * * *

(9) Check the lamps and lenses and reject if [any] one or more of the following apply:

* * * * *

(iii) The turn signal lamps do not properly indicate right or left or hold in position when so switched or do not self-cancel if originally designed to do so.

* * * * *

(vi) The lamp or filament indicated at the switch position does not light when the correct switch indicates the lamp should be on.

* * * * *

(x) The fog lamps operate with the high beams of the headlamps or are substituted for the low beams.

* * * * *

(b) *Internal inspection.* An internal inspection shall be performed as follows:

(1) Check steering column [completed.] and reject if one or more of the following apply:

* * * * *

(vii) The number of turns of the steering wheel from a straight ahead tire position to the right stop is not equal to the number of turns to the left stop within a tolerance of 1/4 turn.

* * * * *

(4) Check the brake pedal and reject if [any] one or more of the following apply:

(i) The brake pedal travel exceeds 80% of the total available travel unless originally designed to do so.

(ii) The brake pedal fades while the vehicle is stopped unless originally designed to do so.

* * * * *

(iv) A brake warning lamp or other device indicates a malfunction of the braking systems.

* * * * *

(6) Check the seat and safety belts, if originally so equipped, and reject [if any] one or more of the following apply:

* * * * *

(iv) There is no safety belt[,] for each seating location, if the vehicle was originally so equipped, or if seats have been added.

* * * * *

(viii) A passive seat belt restraint system is inoperative.

* * * * *

(7) Check [inside] the inside mirror and reject if [any] one or more of the following apply:

* * * * *

(iv) The mirror, if originally so equipped, is missing.

(8) Check front windshield defroster system, if so equipped, and reject if defroster fan does not function.

(c) *Under the hood inspection.* An under the hood inspection shall be performed as follows:

* * * * *

(2) Check the motor mounts, either here or during the beneath vehicle inspection, and reject if the motor mounts are broken, cracked or missing.

* * * * *

(6) Check the battery and reject if the battery is not securely fastened with a device similar to that used as original equipment.

(d) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if [any] one or more of the following apply:

* * * * *

(ix) A [tire] tire's tread extends beyond the outer edge of the wheel housing [or exceeds the manufacturers' specifications as to size].

* * * * *

(xvi) Studded tires are in use after April [1] 15 and before November 1.

* * * * *

(xx) A tire makes contact with the body or chassis.

(xxi) Spacers are used to increase wheel track.

(2) Inspect the steering system and reject if [any] one or more of the following apply:

(i) Steering gear box is loose on frame.

(ii) Measured movement at the front or rear of a tire is greater than 1/4-inch. Eliminate all wheel bearing movement by applying the service brake; then, with the vehicle raised and wheels in the straight ahead position, grasp the front and rear of the tire and attempt to move the assembly right and left without moving the steering gear. Measure the movement.

[(ii)] (iii) ***

[(iii)] (iv) ***

[(iv)] (v) ***

(3) Inspect the suspension system and reject if [any] one or more of the following apply:

* * * * *

(viii) Spring shackle kits or blocks are used to lower the suspension.

(ix) Spring shackle kits are more than 1 inch over original equipment.

(x) Blocks are used on front axle to raise the vehicle.

(xi) Blocks used on rear axle exceed 5 inches over original equipment.

* * * * *

(5) Inspect the vehicle frame and reject if [any] one or more of the following apply:

* * * * *

(iv) Body mounts do not hold as required.

(v) A body mount is broken, cracked, deteriorated or missing.

(vi) The difference in the body floor and the top of the frame rail exceeds 4 inches.

(6) Inspect exhaust system and reject if [any] one or more of the following apply:

* * * * *

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed.

(7) Inspect the braking system. Remove at least one front and one opposite rear wheel and reject if [any] one or more of the following apply:

* * * * *

(e) Road test. Perform road test and reject if [any] one or more of the following apply:

* * * * *

Subchapter F. MEDIUM AND HEAVY TRUCKS [AND], BUSES AND SCHOOL BUSES

§ 175.91. Application of subchapter.

Equipment standards [set forth] in this subchapter apply to medium and heavy trucks [and], buses and school buses driven on highways.

§ 175.94. Braking systems.

* * * * *

(b) Service brakes. Every medium and heavy truck [and], bus and school bus shall be equipped with a service brake system. See 75 Pa.C.S. § 4502 (relating to general requirements for braking systems).

* * * * *

(10) Brake lines shall be approved for use as brake lines.

* * * * *

§ 175.95. Tires and wheels.

* * * * *

(b) Tire standards. A vehicle specified under this subchapter shall have tires which conform to the vehicle manufacturer's specifications as to tire size and were manufactured in conformance with standards contained in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

* * * * *

(g) Tires and rims. The axles of a vehicle specified under this subchapter shall be equipped with the number and type of tires and rims as originally [designed] offered by the manufacturer.

* * * * *

§ 175.96. Lighting and electrical systems.

* * * * *

(f) Illumination except headlamps, fog [lamp] lamps and auxiliary driving lamps. A vehicle specified under this subchapter shall have parking lamps, stop lamps, tail lamps, turn signal lamps and hazard warning lamps of a type used as original equipment which, under normal atmospheric conditions, shall be capable of being seen and distinguished during nighttime operation at a distance of 500 feet. See 75 Pa.C.S. § 4303 (b)-(d).

* * * * *

(j) Back-up lamps. Back-up lamps [shall] are not permitted to be lighted when the [car] vehicle is in forward motion. Back-up lamps shall turn off automatically when the vehicle goes forward. If the lamps do not turn off automatically, a dash indicator that lights or creates audible warning is required.

* * * * *

(l) Auxiliary driving lamps and fog lamps. Auxiliary driving lamps and fog lamps may be installed on a medium or heavy truck and bus [provided they] if the lamps comply with following [requirements]:

* * * * *

(2) Fog lamps [shall] are not permitted to be substituted for headlamps [except under conditions of rain or fog. Fog lamps may only be used with lower headlamp beams].

(3) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced not less than 20 inches apart from center to center and at a height not [less than 12 inches nor] more than 42 inches above the level surface upon which the vehicle stands, nor lower than the lowest chassis part.

* * * * *

(9) In accordance with 75 Pa.C.S. § 4303(f), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or trafficway and are covered with an opaque covering at all times while operating on the highway or trafficway. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

* * * * *

(n) Battery fastening. A vehicle specified under this subchapter shall be equipped with a system for secure

fastening of the battery that is equivalent to those used as original equipment.

§ 175.98. Mirrors.

* * * * *

(c) *Obstruction.* On every vehicle specified under this subchapter, the rearview mirror shall be free from obstructions as described in § 175.110.

* * * * *

(2) Rear window louvers are permitted only if vehicle has at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches. **This paragraph does not apply to school buses.**

* * * * *

§ 175.105. Exhaust systems.

* * * * *

(b) *Exhaust system requirements.* A vehicle specified under this subchapter shall be constructed, equipped, maintained and operated [so as] to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or a passenger, in addition to the requirements of this title for emission control systems and smoke control for a diesel-powered vehicle.

* * * * *

(5) An exhaust system shall extend and discharge completely to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(i) *Heavy trucks or truck tractors.* The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(ii) *Gasoline powered buses, including school buses.* The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(iii) *Buses, including school buses, powered by fuels other than gasoline.* The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

* * * * *

§ 175.107. Body.

* * * * *

(f) *Doors.* A vehicle specified under this subchapter shall be equipped with doors of a type used as original equipment. The doors shall [close securely] function as originally designed. Tailgates, except on vehicles

where the tailgate gives access to the passenger compartment, may be replaced with wood planking, nets or other material that will prevent loss of load. Tailgates may be removed when optional equipment, for example a truck camper, is added.

§ 175.108. Chassis.

* * * * *

(c) *Motor mounts.* The motor mounts [shall] may not be broken, cracked or missing.

* * * * *

(f) *Rear [bumper] protection device.* A vehicle specified under this subchapter [shall be equipped with a bumper or rear-end protrusion securely attached to the chassis or frame which is within 24 inches of the rear of the vehicle, within 30 inches of the ground and within 18 inches of each side, unless the vehicle has dual wheels which extend at least 24 inches beyond the rear of vehicle], except truck tractors, whose body or chassis has a rear end clearance of more than 30 inches from the ground when empty, shall be equipped with a rear bumper or rear end protection device as follows:

(1) [A bumper shall be of at least equivalent strength and mounting as the original equipment.

(2) No portion of a bumper shall be broken, torn or protruding as to create a hazard.

(3) No bumper shall extend beyond the body or line or be longer than original equipment, whichever is greater.

(4) A wood plank bumper is permitted on a road service truck or wrecker if firmly attached to a regular bumper or equivalent steel backing.

(5) Some part of the horizontal bumper bar shall fall within 16—30 inches above ground level.]

The rear bumper or rear end protection device shall be:

(i) Within 30 inches of the ground when the vehicle is empty.

(ii) Within 24 inches of another rear bumper or rear end protection device, if more than one rear bumper or rear end protection device is used.

(iii) Within 18 inches—transverse distance—of the widest part of the rear of the vehicle.

(iv) Within 24 inches of the extreme rear of the vehicle.

(v) Substantially constructed and firmly attached.

(2) Vehicles constructed and maintained so that the body, chassis or other parts of the vehicle afford the rear end protection described in paragraph (1) will be deemed to be in compliance with this subsection.

* * * * *

(h) *Rear wheel shields.* A vehicle specified under this subchapter, except a truck-tractor while towing a trailer, shall be constructed or equipped so as to bar water or other road surface substances thrown from the rear wheels of the vehicle or combination of tangents exceeding [22 1/2 degrees] 22.5°, measured from the road surface, from passing in a straight line to the rear of

[such] the vehicle or combination. See 75 Pa.C.S. § 4533 (relating to rear wheel shields).

* * * * *

(1) **Body mounts. Body mounts may not be broken, cracked, deteriorated or missing.**

§ 175.110. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

* * * * *

(2) Check the glazing.

(i) Reject if [any] one or more of the following apply:

(A) Approved safety glazing is not [used] present in every windshield, window or wing as originally equipped.

* * * * *

(G) There are defects in an acute area of the windshield—center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision—8 1/2 inches wide and 5 1/2 inches high—or discolorations or hazardous cracks to the front, right, left or rear of the driver which would interfere with the driver's vision. See Appendix C.

* * * * *

(3) Check the windshield wiper system and reject if [any] one or more of the following apply:

* * * * *

(v) **The windshield washers, if originally so equipped, do not operate.**

(4) Check the door operation, including tailgate, and reject if [any] one or more of the following apply:

* * * * *

(ii) The doors, including the tailgate, [cannot be closed securely] if so equipped, do not function as originally designed.

(iii) **Tailgate or equivalent is not on the vehicle, unless removed for the addition of optional equipment that is present at the time of the inspection.**

(5) Check the outside mirrors and reject if [any] one or more of the following apply:

(i) [The mirror] A required mirror is cracked, broken, missing or discolored.

* * * * *

(9) Check the lamps and lenses and reject if [any] one or more of the following apply:

* * * * *

(iii) The turn signal lamps do not properly indicate the right or left or hold in position when so switched or do not self-cancel if originally designed to do so.

* * * * *

(vi) The lamp or filament indicated at the switch position does not light when the correct switch indicates the lamp should be on.

* * * * *

(b) *Internal inspection.* An internal inspection shall be performed as follows:

* * * * *

(6) Check the seat and safety belts if the vehicle is so equipped and reject if [any] one or more of the following apply:

* * * * *

(iv) There is no safety belt for each seating location, if the vehicle was originally so equipped, or if seats have been added.

* * * * *

(7) Check the inside mirror and reject if [any] one or more of the following apply:

* * * * *

(iv) **The mirror is missing, unless the vehicle is equipped with an outside mirror, except on school buses.**

(8) **Check front windshield defroster system, if so equipped, and reject if defroster fan does not function.**

(c) *Under the hood inspection.* An under the hood inspection shall be performed as follows:

* * * * *

(2) Check the motor mounts, either here or during beneath vehicle inspection, and reject if the motor mounts are broken, cracked or missing.

* * * * *

(7) Check the battery and reject if the battery is not securely fastened with a device similar to that used as original equipment.

(8) **Check steering gear box and reject if loose on frame.**

(d) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows.

(1) Inspect the tires and wheels and reject if one or more of the following [applies] apply:

* * * * *

(xii) [The tire] A tire's tread extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size. [This subparagraph is not applicable if the Department has issued a permit under 75 Pa.C.S. § 4969 authorizing the vehicle to be operated with oversize wheels and tires.]

* * * * *

(xix) Studded tires are in use after April [1] 15 and before November 1.

* * * * *

(xxi) **A tire makes contact with the body or chassis.**

* * * * *

(6) Inspect the exhaust system and reject if [any] one or more of the following apply:

(i) The vehicle has no muffler or noise suppressing system or the muffler has external repair.

* * * * *

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following[.]:

(A) *Heavy trucks or truck tractors.* The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(B) *Gasoline powered buses, including school buses.* The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(C) *Buses, including school buses, powered by fuels other than gasoline.* The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(7) Inspect the braking system. At least one front and one opposite rear wheel shall be removed. [It is not necessary to remove the wheel and drum assembly if there is a removable backing plate that allows examination of the brake system.] Reject if one or more of the following apply:

* * * * *

(vii) The inside diameter of the drum is greater than the maximum diameter stamped on the drum or greater than .090 inch over the original drum diameter for unmarked drums less than 14 inches, or greater than .120 inch over original drum diameter for unmarked drums 14 inches or larger.

* * * * *

(8) Inspect critical body mounts and reject if one or more of the following apply:

(i) Body mounts do not hold as required.

(ii) A body mount is broken, cracked, deteriorated or missing.

[(8)] (9) Inspect the fuel system and reject if [any] one or more of the following apply:

* * * * *

(e) *Road test.* Perform a road test and reject if [any] one or more of the following apply:

* * * * *

Subchapter G. RECREATIONAL, SEMI AND UTILITY TRAILERS

§ 175.123. Braking systems.

* * * * *

(b) *Service brakes.* A trailer shall be equipped with a service brake system. See 75 Pa.C.S. § 4502 (relating to general requirements for braking systems).

* * * * *

(7) Brake lines shall be approved for use as brake lines.

* * * * *

§ 175.124. Tires and wheels.

* * * * *

(b) *Tire standards.* A trailer shall have tires which conform to the vehicle manufacturer's specifications as to tire size and were manufactured in conformance with standards [contained] in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). **Tires with equivalent metric size designations may be used.**

* * * * *

(g) *Tires and rims.* The axles of a vehicle specified under this subchapter shall be equipped with the number of and type of tires and rims as originally [equipped] offered by the manufacturer.

§ 175.125. Lighting and electrical systems.

* * * * *

(d) *Illumination.* A trailer shall have parking lamps, stop lamps, tail lamps, turn signal lamps and hazard warning lamps of a type used as original equipment, which under normal atmospheric conditions shall be capable of being seen and distinguished during nighttime operation, at a distance of 500 feet. See 75 Pa.C.S. § 4303 (b) [, (c), and]—(d) (relating to general lighting requirements).

* * * * *

§ 175.127. Body.

* * * * *

(c) *Doors.* A vehicle specified under this subchapter shall be equipped with doors of a type used as original equipment. The doors [must close securely] shall function as originally designed. Tailgates may be replaced with wood planking, nets or other material that will prevent loss of load. Tailgates may be removed when optional equipment is added.

§ 175.128. Chassis.

* * * * *

(d) [*Bumpers*] *Rear protection device.* A trailer, except for pole trailers, whose body has a rear end clearance of more than 30 inches from the ground when empty, shall be equipped with a rear bumper or rear end [protrusion which is within 24 inches of the rear of the vehicle and within 30 inches of the ground and within 18 inches of each side, unless the vehicle has dual wheels which extend at least 24 inches beyond the rear of the vehicle.] protection device as follows:

(1) [A bumper shall be of at least equivalent strength and mounting to original equipment.

(2) No portion of a bumper shall be broken, torn or protruding as to create a hazard.

(3) No bumper shall be longer than the original equipment.]

The rear bumper or rear end protection device shall be:

(i) Within 30 inches of the ground when the vehicle is empty.

(ii) Within 24 inches of another rear bumper or rear end protection device, if more than one rear bumper or rear end protection device is used.

(iii) Within 18 inches—transverse distance—of the widest part of the rear of the vehicle.

(iv) Within 24 inches of the extreme rear of the vehicle.

(v) Substantially constructed and firmly attached.

(2) Trailers constructed and maintained so that the body, chassis or other parts of the vehicle afford the rear end protection described in paragraph (1) shall be deemed to be in compliance with this subsection.

* * * * *

§ 175.130. Inspection procedure.

(a) External inspection. An external inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

* * * * *

(3) Check door operation, including the tailgate and reject if [any] one or more of the following apply:

* * * * *

(iii) Tailgate or equivalent is not on the vehicle, unless removed for the addition of optional equipment that is present at the time of inspection.

(4) Check the lamps and lenses and reject if [any] one or more of the following apply:

* * * * *

(vi) A lamp or filament indicated at the switch position does not light when the correct switch indicates the lamp should be on.

* * * * *

(c) Beneath the vehicle inspection. A beneath the vehicle inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Inspect the tires and wheels and reject if [any] one or more of the following apply:

* * * * *

(xiv) Studded tires are in use after April [1] 15 and before November 1.

* * * * *

(3) Inspect the braking system.

* * * * *

(ii) The brake lining from one side of each axle shall be examined. [It is not necessary to remove a wheel on a semitrailer, if there is a removable backing plate for inspection of the brake lining.]

* * * * *

Subchapter H. MOTORCYCLES

§ 175.143. Steering.

* * * * *

(d) Handlebars. The handlebars or grips [shall] may not be [no] higher than the operator's shoulder level when the operator is properly seated upon the motorcycle.

* * * * *

§ 175.144. Braking systems.

* * * * *

(b) Service brakes. A motorcycle shall be equipped with a service brake system. See 75 Pa.C.S. § 4502 (relating to general requirements for braking systems).

* * * * *

(6) Brake lines shall be approved for use as brake lines.

§ 175.145. Tires and wheels.

* * * * *

(b) Tire standards. A motorcycle shall have tires which conform to the vehicle manufacturer's specifications as to tire size and were manufactured in conformance with standards contained in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

* * * * *

§ 175.146. Lighting and electrical systems.

* * * * *

(k) Auxiliary driving lamps and fog lamps. Auxiliary driving lamps and fog lamps may be installed on a motorcycle if they comply with the following requirements:

* * * * *

(6) A vehicle equipped with headlamps, auxiliary driving lamps or fog lamps may not have more than four lamps illuminated at the same time.

* * * * *

(m) Battery fastening. A vehicle specified under this subchapter shall be equipped with a system for secure fastening of the battery that is equivalent to those used as original equipment.

§ 175.160. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

* * * * *

(6) Check the lamps and lenses and reject if [any] one or more of the following apply:

* * * * *

(v) The lamp or filament indicated at switch position does not light when the correct switch indicates the lamp should be on.

* * * * *

(b) Internal inspection. An internal inspection shall be performed as follows:

* * * * *

(3) Check the brake system [and reject] by doing visual inspection. If the vehicle is equipped with view ports or mechanical brake wear indicators, wheels do not have to be pulled but the mechanic shall determine if the lining should be replaced. Reject if [any] one or more of the following apply:

* * * * *

(xiv) Mechanical indicator shows that pads should be replaced.

(4) Check the motor mounts and reject if motor mounts are broken, **cracked or missing**.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if [**any**] **one or more** of the following apply:

* * * * *

(xiii) Studded tires in use after April [**1**] **15** and before November 1.

* * * * *

(5) Inspect the exhaust system and reject if [**any**] **one or more** of the following apply:

* * * * *

(vii) The exposed exhaust system does not have an adequate heat shield or protective system **or is not located to prevent contact with riders**.

* * * * *

(d) *Road test.* Perform a road test and reject if [**any**] **one or more** of the following apply:

* * * * *

**Subchapter J. MOTOR-DRIVEN CYCLES AND
MOTORIZED PEDALCYCLES**

§ 175.172. Steering.

* * * * *

(c) *Handlebars.* The handlebars or grips may **not** be [**no**] higher than the operator's shoulder level when **the operator is** properly seated upon **the** vehicle.

* * * * *

§ 175.175. Lighting and electrical systems.

* * * * *

(k) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a motor-driven cycle or motorized pedalcycle if they comply with **the** following requirements:

* * * * *

(6) A vehicle equipped with headlamps, auxiliary driving lamps or fog lamps may not have more than four lamps illuminated at the same time.

* * * * *

§ 175.190. Inspection procedure.

(a) *External inspection.* An external inspection of motor-driven cycles only shall be performed as follows:

* * * * *

(5) Check the lamps and lenses and reject if [**any**] **one or more** of the following apply:

* * * * *

(v) The lamp or filament indicated at switch position does not light **when the correct switch indicates the lamp should be on**.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection of motor-driven cycles only shall be performed as follows:

(1) Inspect the tires and wheels and reject if [**any**] **one or more** of the following apply:

* * * * *

(xii) Studded tires are in use after April [**1**] **15** and before November 1.

* * * * *

(4) Inspect **the** exhaust system and reject if [**any**] **one or more** of the following apply:

* * * * *

(vi) The exposed exhaust system does not have an adequate heat shield or protective system **or is not located to prevent contact with riders**.

(d) *Road test.* Perform a road test and reject if [**any**] **one or more** of the following apply:

* * * * *

**Subchapter K. STREET RODS, SPECIALLY
CONSTRUCTED AND RECONSTRUCTED
VEHICLES**

§ 175.206. Glazing.

* * * * *

(b) *Requirements.* Glazing shall meet following requirements:

(1) A windshield may **not** be [**no**] less than 7 inches in vertical height on a street rod and 12 inches vertical height on reconstructed vehicles and specially constructed vehicles. **If the original body configuration provided by a recognized manufacturer had a windshield of less than 12 inches, reconstructed vehicles and specially constructed vehicles may use the original windshield size, except that this size may not be less than 7 inches.**

* * * * *

§ 175.209. Chassis.

* * * * *

(b) *Bumpers.* A vehicle specified under this subchapter shall be equipped with front and rear bumpers securely attached to the chassis, **except when the original body configuration provided by a recognized manufacturer did not include bumpers in the design of the vehicle.**

* * * * *

§ 175.220. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

* * * * *

(2) Check the windshield and reject if one or more of the following apply:

* * * * *

(ii) A windshield is less than 12 inches in vertical height, **or the vertical height is less than what was originally designed**, on a reconstructed or specially constructed vehicle.

* * * * *

(3) Check the fenders and reject if one or more of the following apply:

* * * * *

(ii) The **[front]** tire tread circumference coverage is less than 15° **to the front and 75° to the rear of each tire.**

* * * * *

[Pa.B. Doc. No. 96-1432. Filed for public inspection August 30, 1996, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective August 7, 1996.

The organization chart at 26 Pa.B. 4245 (August 31, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

[Pa.B. Doc. No. 96-1433. Filed for public inspection August 30, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 20, 1996.

BANKING INSTITUTIONS

Foreign Bank Organization Offices

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-1-96	National Bank of Canada 600, rue de la Gauchetiere Ouest Montreal, Quebec Canada	Oxford Center 301 Grant Street Suite 3440 Pittsburgh Allegheny County, PA	Opened

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-16-96	Farmers & Merchants Trust Company Chambersburg Franklin County	9 W. Big Spring Ave. Newville Cumberland County	Approved
8-16-96	Farmers & Merchants Trust Company Chambersburg Franklin County	13 Shippensburg Shopping Center Shippensburg Cumberland County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-14-96	Johnstown Bank and Trust Company Johnstown Cambria County		Effective
<i>From:</i>	1231 Scalp Avenue Johnstown Cambria County	<i>To:</i> 1458 Scalp Avenue Johnstown Cambria County	

SAVINGS ASSOCIATIONS

Articles of Amendment

<i>Date</i>	<i>Name of Association</i>	<i>Purpose</i>	<i>Action</i>
8-14-96	Fidelity Savings and Loan Association of Bucks County Bristol Bucks County	The Articles provide for the restatement of the Articles of Incorporation in their entirety.	Approved and Effective
8-20-96	County Savings Association Essington Delaware County	The Articles provide for the restatement of the Articles of Incorporation in their entirety.	Approved and Effective

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1434. Filed for public inspection August 30, 1996, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, September 9, 1996. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Glenda Miller at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 96-1435. Filed for public inspection August 30, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should contact the Community Relations Coordinator at (717) 657-4585. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0012629. Amendment No. 5. Industrial waste, **Sun Company, Inc.** (R&M), Point Breeze Processing Area, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299.

This application is for amendment of an NPDES permit to discharge treated process wastewater and treated groundwater from Point Breeze Oil Refinery located in City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River Zone 4 of Delaware River Estuary.

The receiving stream is classified for warm water fish (maintenance only), migratory fish (passage only), industrial water supply, wildlife water supply, boating, fishing and navigation.

The proposed effluent limits for Total Dissolved Solids for Outfall 002, based on an average flow of 4.23 mgd are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total Dissolved Solids	1,000 (Net Limit)	2,000 (Gross Limit)	2,500 (Gross Limit)

These limitations have been reviewed and granted by the Delaware River Basin Commission for Outfall 002.

The EPA waiver is not in effect.

Other Requirements:

1. Addition of a conditional approval of the discharge of on-line cleaning of the complex cooling tower.
2. Addition of a conditional approval for an average monthly net limit for TDS.

PA 0030112. Sewage, **Methacton School District**, 1001 Kriebel Mill Road, Norristown, PA 19408-2011.

This application is for renewal of an NPDES permit to discharge treated sewage from STP in Worcester Township, **Montgomery County**. This is an existing discharge to Skippack Creek.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Phosphorus (as P)	2	4
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

PA 0030571. Sewage, SIC: 8211, **New Life Youth and Family Services**, P. O. Box 203, Freeman School Road, Harleysville, PA 19438.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Lower Salford Township, **Montgomery County**. This is an existing discharge to unnamed tributary of east branch of the Perkiomen Creek.

The receiving stream is classified for cold water fish, 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 22,500 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus (as P)	2	4
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6 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 0080641. Industrial waste, SIC: 0161, **B & W Quality Growers, Inc.** (Newville Facility), 17825 79th Street, Fellsmere, FL 32948.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Green Spring Creek, in North Newton Township, **Cumberland County**.

The receiving stream is classified for cold water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Carlisle Borough Municipal Authority located in North Middleton Township. The discharge is not expected to impact any potable water supply.

The proposed best management practices and monitoring requirements for Outfall G.S.1:

B & W Quality Growers, Inc. (B & W) shall restrict pesticide usage at the Newville Facility to:

Dipel
Malathion
Induce
Safer Insecticidal Soap

Neemix
Kocide 101
Roundup

B & W shall maintain a trout basin to serve as an aquatic indicator or potential flow-through of applied pesticides. The EPA waiver is in effect.

PA 0083275. Industrial waste, SIC: 0161, **B & W Quality Growers, Inc.** (Newville II Farm), 1166 South Spring Garden Road, Carlisle, PA 17013.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Green Spring Creek, in North Newton Township, **Cumberland County**.

The receiving stream is classified for cold water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Carlisle Borough Municipal Authority located in North Middleton Township, **Cumberland County**. The discharge is not expected to impact any potable water supply.

The proposed best management practices and monitoring requirements for Outfall G.S.-1 are:

1. B & W Quality Growers, Inc. shall restrict pesticide usage at the Newville II Farm to:

Dipel
Malathion
Induce
Safer Insecticidal Soap

Neemix
Kocide 101
Roundup

2. B & W Quality Growers, Inc. shall maintain a trout basin to serve as an aquatic indicator or potential flow-through of applied pesticides.

The EPA waiver is in effect.

PA 0087611. Sewage, SIC: 4952, **Richfield Area Joint Authority** P. O. Box 204, Richfield, PA 17086.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to West Branch Mahantango Creek, in Monroe Township, **Juniata County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company on the Susquehanna River 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 0.085 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	7.5			15
(11-1 to 4-30)	monitor and report			monitor and report
Total Residual Chlorine	0.45			1.48
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	8,000/100 ml as a geometric average			

The EPA waiver is in effect.

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

PA 0027219. Sewage, **Greater Uniontown Joint Sewage Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from the City of Uniontown Sewage Treatment Plant in North Union Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 4 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5	3.8		5
(11-1 to 4-30)	7.5	11.3		15
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	1			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

Other Conditions:

The EPA waiver is not in effect.

PA 0001899. Industrial waste, SIC: 2082, **Jones Brewing Company**, P. O. Box 746, Smithton, PA 15479.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, cooling water and stormwater from brewing operations in Smithton Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the McKeesport Waterworks, located at McKeesport, 19 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.061 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor/report				
BOD ₅	31	81	61	158	
TSS	44	132	86	259	
Fecal Coliforms					
(5-1 to 9-30)			200 # /100 ml		
(10-1 to 4-30)			2,000 # /100 ml		
TRC			0.5		1.25
Oil and Grease			15		30
pH	6.0—9.0				

Outfall 002: existing discharge.

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

This outfall shall consist of only stormwater runoff.

Outfall 003: existing discharge, design flow of 0.110 mgd.

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

The EPA waiver is in effect.

PA 0096059. Industrial waste, SIC: 3399, **Crucible Compaction Metals**, 1001 Robb Hill Road, Oakdale, PA 15071.

This application is for renewal of an NPDES permit to discharge treated sewage and cooling water in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters tributary of North Robinson Run classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is West View Municipal Authority, located at West View, 20 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.00525 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.00525				
TSS			30		60
CBOD ₅			25		50
Fecal Coliforms (# /100 ml) (May—September)			200 as a geometric mean		
October—April			2,000 as a geometric mean		
Total Residual Chlorine			1.4		3.3
pH	6.0—9.0				

Outfall 002: existing discharge, design flow of 0.047 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor/report				
Temperature (°F)					110
pH	not greater than 9.0 standard units				

Outfall 003: existing discharge.

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

Outfall 005: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall shall contain stormwater only.					

The EPA waiver is in effect.

PA 0098191. Industrial waste, SIC: 2951, **United Refining Company**, Box 780, Warren, PA 16365.

This application is for issuance of an NPDES permit to discharge treated process water, sewage cooling water, stormwater leachate and untreated stormwater from Springdale Asphalt Terminal in Springdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of Allegheny River classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Oakmont Borough Municipal Authority, located at RMI 13.3—Allegheny River, approx. 3.28 miles below the discharge point.

Internal Monitoring Point 101: existing discharge, design flow of 0.00075 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
Suspended Solids			30		60
Iron			2		4
Aluminum			4		8
Manganese			1		2
pH	6.0—9.0				

Outfall 001: existing variable discharge to the Allegheny River.

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

The discharge by Outfall 001 shall consist of uncontaminated stormwater runoff and sources limited at Internal Monitoring Point 101.

The EPA waiver is in effect.

PA 0217425. Industrial waste, SIC: 5541, **Pilot Corporation**, P. O. Box 10146, Knoxville, TN 37939-0146.

This application is for issuance of an NPDES permit to discharge treated stormwater from an oil/water separator in Bentleyville Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Pigeon Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Western PA Water Company, located at Elrama, 17 miles below the discharge point.

Outfall 001: new discharge

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

Total Recoverable Petroleum Hydrocarbons monitor/report

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 0027006. Sewerage, **Borough of Tamaqua**, 320 East Broad Street, Tamaqua, PA 18252.

This proposed action is for amendment of an NPDES permit to discharge treated sewage into the Little Schuylkill River in Walker Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Pottstown Water Authority located on the Schuylkill River.

The proposed amendment involves revising the color limit from 100 Platinum Cobalt Units as a monthly average to monitor and report for the remaining duration of the permit under Chapter 95.4 of the Department's Rules and Regulations. The permit includes a special condition requiring continuance on an effluent color reduction schedule contained in the Chapter 95.4 time extension request. This amendment addresses only the parameter color. All other aspects of the existing permit are unchanged.

The EPA waiver is in effect.

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

PA 0112623. Industrial waste, SIC: 1311 (Crude Oil Production). **J. J. Bucher Producing Corporation**, 108 Pleasant Street, Bolivar, NY 14715.

This application is for renewal of an NPDES Permit to discharge treated industrial wastewater to Oswayo Creek in Shinglehouse Borough, **Potter 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 and Phenolics, the downstream potable water supply (PWS) considered during the evaluation is at the PA/NY-state border on Oswayo Creek.

The proposed discharge limits for Outfall No. 001 based on a maximum flow of 0.02 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease		15.0	30.0
Total Suspended Solids		30.0	60.0
Dissolved Iron			7.0
Alkalinity	greater than acidity		
Acidity	less than alkalinity		
Chloride	monitor and report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron	monitor and report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0020141. Sewage. **Brookville Municipal Authority**, Three Jefferson Court, Brookville, PA 15825.

This application is for renewal of an NPDES permit to discharge treated sewage to the Redbank Creek in Brookville, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stock fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Hawthorn Borough Water Company intake on Redbank Creek located at Hawthorn Borough, approximately 17 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 1.25 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	5.5	8.0	11.0
(11-1 to 4-30)	16.0	24.0	32.0
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	23,000/100 ml as a geometric average		
Total Residual Chlorine			
(Interim)	0.5		1.5
(Final)	0.2		0.6
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0000183. Amendment No. 1. Industrial waste, SIC: 3743, 3621. **General Electric Company**, 2901 East Lake Road, Erie, PA 16531.

This application is for an amendment of an NPDES permit, to discharge treated industrial waste, noncontact cooling water and stormwater to Lake Erie in Lawrence Park Township, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider.

The proposed discharge limits for Outfall No. 001 based on a design flow of n/a mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
Oil and Grease	15	30	30
Dissolved Iron		7	7
Total Suspended Solids	30	60	60
Phosphorus as "P"	2.0		
Total Residual Chlorine			.2
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0036056. Sewage, **Heritage Hills Mobile Home Estates**, 100 Beechwood Boulevard, Pulaski, PA 16143.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to Shenango River in Pulaski Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western PA Water Company Intake on the Shenango River located at New Castle approximately 10 miles downstream from point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.075 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine		
(Interim)	0.5	1.5
(Final)	0.05	0.1
Dissolved Oxygen	minimum of 5 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0026301. Sewage, SIC: 4592, **Erie Sewer Authority**, 120 West 10th Street, Erie, PA 16501; and the City of Erie, Municipal Building, Erie, PA 16501.

This application is for renewal of an NPDES permit to discharge treated wastewater to Lake Erie (Outer Erie Harbor and Presque Isle Bay) in the City of Erie, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery, water supply and recreation. There is no downstream potable water supply to be considered for the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics.

The proposed effluent limits for Outfall 001 are based on an average design flow of 68.6 mgd, which includes the flow from a significant industrial user, which revises CBOD and total suspended solids limits beyond secondary.

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	45	67	90
Total Suspended Solids	70	105	140
Phosphorus	1.0	1.5	
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml		100,000/100 ml
(10-1 to 4-30)	100,000 ml		
Total Chlorine Residual			
(interim)	monitor and report		
(final)	0.5 mg/l		
Color	monitor and report		
pH	6.0—9.0 standard units at all times		
Whole Effluent Toxicity	monitor and report		

Special conditions include monitoring combined sewer overflows, sanitary sewer overflows and pretreatment reporting requirements.

PA 0222003. Industrial waste, SIC: 3079, **Niagara Plastics Company**, 7090 Edinboro Road, Erie, PA 16509.

This application is for a new NPDES permit, to discharge industrial waste and stormwater to an unnamed tributary to Walnut Creek in Summit Township, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is none as there is no PWS between point of discharge and Lake Erie.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000950 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
GC-Formula 310	5.78		11.6
GC-Formula 315	0.069		.17
GC-Formula 2932	2.312		5.8
Formula 12-1	not detectable		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall Nos. 002, 003, 004, 005, 006 and 007, based on a design flow of 0.000950 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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Stormwater runoff only

The EPA waiver is in effect.

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

PA 0113069. Sewerage, SIC: 4952, **Greenwood Township Municipal Authority** P. O. Box 450, Millville, PA 17846.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Rickard Hollow in Greenwood Township, **Columbia County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Water Authority located at Danville.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0075 mgd, are:

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

The EPA waiver is in effect.

PA 0114995. SIC: 5171, **Carlos R. Leffler** 225 East Main Street, Richland, PA 17087-0287.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated stormwater from an oil/water separator to unnamed tributary West Branch Susquehanna River in Armstrong Township, **Lycoming County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of (varies with rainfall intensity) mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor quarterly and report	

The EPA waiver is in effect.

PA 0035815. Sewerage, SIC: 4952, **John R. Dillon and Barbara L. Saulsbury**, 2481 Jacksonville Road, Bellefonte, PA 16823.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Nittany Creek in Marion Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Milton approximately 85 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
C-BOD ₅	10	20
TSS	10	20
NH ₃ -N		
(6-1 to 10-31)	3	6
(11-1 to 5-31)	9	18

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH	within the range 6.0—9.0	
Total Residual Chlorine	monitor and report	

The EPA waiver is in effect.

PA 0042871. Sewerage, SIC: 4952, **Philipsburg-Osceola Area School District**, 200 Short Street, Philipsburg, PA 16866.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Laurel Run in Wallacetown Borough, **Clearfield County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Milton approximately 150 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0058 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
C-BOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliforms	200/100 as a geometric mean	
Total Residual Chlorine		
1st month—36th month	report	report
37th month—expiration date	1.0	2.3
pH	within the range of 6.0—9.0	

The EPA waiver is in effect.

Wilkes-Barre (Aug.)—The Department of Environmental Protection (DEP) will hold a public hearing to accept comment on the individual National Pollution Discharge Elimination System (NPDES) permit application #PAS10S042. The NPDES permit application was submitted by Lackawanna County Rail Authority for discharges of stormwater of construction activities related to the proposed Amber Milling-Grain Processing facility located in Coolbaugh, Pocono and Tobyhanna townships and the Borough of Mt. Pocono, all in Monroe County.

The public hearing will be held October 3, 1996, at 7 p.m. in the auditorium of the Pocono Mountain Senior High School in Swiftwater.

In order to develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of such intent to Amber Mills Hearing Examiner, DEP, Bureau of Water Management, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time will not be allowed. All individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudak of DEP at (717) 826-2060 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Those unable to attend the hearing can submit written testimony or comment to the Department until October 7, 1996.

The NPDES permit application is available for review at DEP's regional office, 2 Public Square in Wilkes-Barre. Appointments for scheduling a review can be made by calling DEP's regional Records Management Section at (717) 826-2511. The permit application is also available for review at the Monroe County Conservation District, 8050 Running Valley Road in Stroudsburg. Please call the district office at (717) 629-3060 to schedule an appointment.

The Department of Environmental Protection (DEP) Water Management Program will be holding a fact finding hearing on the following stormwater NPDES permit application: Richard M. Armstrong Company, Romansville Plant, PA0056561.

The hearing is scheduled for October 10, 1996, at 7 p.m. at West Bradford Township Building, Meeting Room, 1385 Campus Drive, Downingtown, PA 19335, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater industrial waste activities, with a discharge to West Brandywine Creek Watershed. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is the Richard M. Armstrong Company, P. O. Box 566, West Chester, PA 19381.

Comments received will be considered by DEP in completing its review and prior to taking final action

concerning the applications. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of the project and a brief statement about your presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to DEP may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

The Department of Environmental Protection (DEP) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit application: Formal Affairs, Harold C. Yates, PA0054941.

The hearing is scheduled for October 3, 1996, at 7 p.m. East Whiteland Township Building, 209 Conestoga Road, Frazier, PA 19355, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for groundwater clean-up activities, with a discharge to Valley Creek Watershed. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is Formal Affairs, Inc., Harold C. Yates, Cedar Hollow Road and Industrial Boulevard, Paoli, PA 19301.

Comments received will be considered by DEP in completing its review and prior to taking final action concerning the applications. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of the project and a brief statement about your presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to DEP may do so within 30 days following the hearing.

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

accommodations to participate in the proceedings should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1(800) 654-5984

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions 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, 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>
PA0033111	Oak Creek Campground Box 128 Bowmansdale, PA 17057	Lancaster Brecknock	Muddy Creek	n/a
PA0082716	Dennis D. Cowher Box 72 Queen, PA 16670	Bedford Kimmel	Beaverdam Creek	n/a

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0083968	LaScalia's Restaurant R. R. 3, Box 121 Tyrone, PA 16686	Blair Snyder	South Bald Eagle Creek	n/a

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.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.

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.

Berks County Conservation District, District Manager, P. O. Box 520 Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.

NPDES Permit PAS10C026. Stormwater. **George Pitas**, 15110 Kutztown Road, Kutztown, PA 19530 has applied to discharge stormwater from a construction activity located in Maxatawny Township, **Berks County**, to Moselem Creek.

Elk County Conservation District, District Manager, Courthouse, P. O. Box 448, Ridgway, PA 15853, telephone (814) 776-5373.

NPDES Permit PAS102509. Stormwater. **National Fuel Gas**, 1100 State Street, Erie, PA 16512 has applied to discharge stormwater from a construction activity located in Highland Township, **Elk County**, to Three Mile, Twin Lick and Pigeon Runs.

Lancaster County Conservation District, District Manager, 1383 Arcadia Rd., Rm. 6 Farm and Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.

NPDES Permit PAS10-O-059. Stormwater. **The Reserve Partnership**, 240 N. Arch Street, Lancaster, PA 17603 has applied to discharge stormwater from a construction activity located in Martic Township, **Lancaster County**, to UNT to Trout Run.

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.

NPDES Permit PAS10Q122. Stormwater. **Parkland School District**, 1210 Springhouse Road, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in South Whitehall Township, **Lehigh County**, to Jordan Creek.

NPDES Permit PAS10Q123. Stormwater. **Treetop Estates Development**, 7356 Spring Creek Road, Macungie, PA 18062 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

Washington County Conservation District, District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.

NPDES Permit PAS10W053. Stormwater. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676 has applied to discharge stormwater from a construction activity located in Carroll Township, **Washington County**, to the south branch of Maple Creek.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection. Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department

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

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

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

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

A.3890401. Sewage, **Campbelltown West Wastewater Treatment Plant**, South Londonderry Township Authority Municipal Building, Center and Market Streets, Box 3, Campbelltown, PA 17010-0003 to upgrade the sewage treatment plant was submitted to the Southcentral Regional Office on August 5, 1996.

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

A.2696203. Industrial waste, **Consol Docks, Inc.**, 1800 Washington Road, Pittsburgh, PA 15241. Application for the construction and operation of the Alicia Dock Coal Transfer Facility located in Luzerne Township, **Fayette County**.

A.0296409. Sewerage, **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143. Application for the construction and operation of a gravity sewer extension, submersible grinder pumping station, and force main, located in the Township of Aleppo, **Allegheny County** to serve the Aleppo Manor Plan of Lots No. 3.

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

WQM Permit No. 4396406. Sewage, **Remington's Steakhouse, Inc.**, 1226 Perry Highway, Mercer, PA 16137 is for the installation and operation of a sewage treatment plant to serve the Remington's American Grille Restaurant in Springfield Township, **Mercer County**.

WQM Permit No. 2596411. Sewage, **Fairview School District**, 7460 McCray Road, Fairview, PA 16415 is for a modification to the Fairview School District's wastewater sewage treatment plant to add a flow equalization tank at the head of the plant in Fairview Township, **Erie County**.

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

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

4596503. Public water supply. **Crossings Factory Stores**, 285 Crossings Outlet Square, Tannersville, PA 18372. This proposal involves the installation of equipment to treat well water with a phosphate inhibitor for corrosion control. It is located in Pocono Township, **Monroe County**.

Engineer: Charles Niclus, P.E., Elam Associates, 1172 West Main Street, Stroudsburg, PA 18360.

5496504. Public water supply. **Country Hill Apartments**, Alan Greenwalt, 225 Woodland Drive, Orwigsburg, PA 17961. This proposal involves permitting of an existing system consisting of two supply wells, four precharged hydropneumatic tanks, disinfection facilities and distribution system. It is located in West Brunswick Township, **Schuylkill County**.

Engineer: Edward J. Gaydos, P.E., 250 Gerald Avenue, Orwigsburg, PA 17961.

5496502. Public water supply. **Lake Wynonah Municipal Authority**, 100 East Main Street, Rear, Schuylkill Haven, PA 17972. This proposal involves the addition of equipment to treat water from wells 1 and 3 with a sequestering agent to control iron and manganese. It is located in South Manheim Township, **Schuylkill County**.

Engineer: Spotts, Stevens and McCoy, P. O. Box 6307, Reading, PA.

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

A.2596504. Public water supply. **Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412. This proposal involves the construction of an Air Stripping Tower to remove TCE from the municipal water supply. Also the construction of new pumping facilities. This construction is located just north of Cooper Hall on Scotland Drive of Edinboro University in the Borough of Edinboro, **Erie County**.

A.1696502. Public water supply. **Hartzell's Mobile Home**, R. D. 1, Box 115, Tionesta, PA 16353. This proposal involves the permitting for an existing public water system in Washington Township, **Clarion County**.

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

A.5096501. Public water supply. **Creekview Mobile Home Park**, Carroll Township, **Perry County**, (Charles E. Lupfer, Creekview Mobile Home Park, R. D. 2, Box 192, Shermans Dale, PA 17090), permit application for use of new well no. 7 blended with water from existing well no. 1 and new wells 5 and 6 with ferric chloride, manganese greensand and cartridge filtration, (Kline Engineering, P.C., 449 Cameron Street, Marysville, PA 17053).

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

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

Bonham Management Group, Inc., 1 Penn Avenue, Marcus Hook, PA 19061; Michael Gray, Vice President; application received August 16, 1996.

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

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

Cole Care, Inc., U. S. Route 6 East, R. R. 1, Box 205, Coudersport, PA 16915-9762; License No. **PA-HC 0178**; application received August 15, 1996.

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

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

Permit I. D. No. 301257. Martins Creek SES Ash Basin No. 4. Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101-1179. A Major Permit Modification for the continued operation of this residual waste disposal impoundment, located in Lower Mt. Bethel Township, **Northampton County**. The major permit modification was received on August 2, 1996, and was determined to be complete in the Regional Office on August 12, 1996.

Permit I. D. No. 100022. Chrin Brothers Sanitary Landfill. Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A Major Permit Modification to increase the average daily tonnage from the currently permitted 1,000 tons per day to 1,500 tons per day for this municipal waste landfill, located in Williams Township, **Northampton County**. The major permit modification was received on August 1, 1996, and was determined to be complete in the Regional Office on August 9, 1996.

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.300668. Titus Station Beagle Club Ash Disposal Site. GPU Corporation, 1001 Broad Street, Johnstown, PA 19507. Application for repermitting of a residual waste landfill located in Cumru Township, **Berks County**. Application determined to be administratively complete in the Regional Office August 13, 1996.

A.603130. Elwood Kyper Farm and William Wingert Farm. Borough of Huntingdon, 1001 Moore Street, Huntingdon, PA 16612. Application for operation of an agricultural utilization of sewage sludge sites in Borough of Huntingdon and Henderson Township, **Huntingdon County**. Application determined to be administratively complete in the Regional Office August 13, 1996.

A. 101389 and 400592. Frey Farm Landfill and Resource Recovery Facility. Lancaster County Solid Waste Management Authority, (1299 Harrisburg Pike, Lancaster, PA 17604-4425). Application for modification

for shredding and processing of non-PCB containing capacitors at a site in Manor and Conoy Townships, **Lancaster County**. Application determined to be administratively complete in the Regional Office August 12, 1996.

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

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

A.301267. West Penn Power Company, 800 Cabin Hill Dr., Greensburg, PA 15601-1689. Armstrong Power Station, P. O. Box 897, SR 4006, near Reesedale, PA Kittanning, PA 16201. Application for Phase II of a residual waste landfill in Washington Township, **Armstrong County**, was received in the regional office on August 6, 1996.

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

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

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

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

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

Pennsylvania Power & Light Company (PP&L)—distribution pole #62101S46421, City of Allentown,

Lehigh County. Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #62171S44721, Borough of Emmaus, **Lehigh County.** Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #67186N35887, Paradise Township, **Monroe County.** Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #51878N49457, Overfield Township, **Wyoming County.** Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #64174S56692, Gilmore Street, City of Allentown, **Lehigh County.** Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #64481S47671, Sherman & Allen Streets, City of Allentown, **Lehigh County.** Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #62898S45606, 28th Street, City of Allentown, **Lehigh County.** Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Paris Accessories Facility, City of Allentown, **Lehigh County.** Darryl Borrelli, Consulting Engineer with Manko, Gold and Katcher (401 City Avenue, Suite 500, Bala Cynwyd, PA) has submitted a Notice of Intent to Remediate on behalf of his client, Paris Accessories (350 Fifth Avenue, New York, NY) to remediate site soils and groundwater found to be contaminated with solvents, BTEX compounds (benzene, toluene, ethylbenzene and xylenes), polyaromatic hydrocarbons and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.

Washington County Redevelopment Authority, Ingersoll Rand Plant, Charleroi Borough, **Washington County.** Washington County Redevelopment Authority, Ingersoll Rand Plant, 603 Courthouse Square, Washington, PA 15301 has submitted a Notice of Intent to Remediate the soil contaminated with PHCs and solvents. The applicant proposes to remediate the site to meet a special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley Independent* on July 30, 1996.

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

Reading Station Outlets, City of Reading, **Berks County**. Imperial Reading Holding, LP, 425 Lexington Avenue, New York, New York 10017 has submitted a Notice of Intent to Remediate site soils contaminated with BTEX, PHCs and PAHs, and site groundwater contaminated with solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on July 20, 1996.

Novelty Manufacturing Company, Manheim Township, **Lancaster County**. Novelty Manufacturing Company, 1330 Loop Road, Lancaster, PA 17601, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer Journal* on August 12, 1996.

Smokestack Site, City of York, **York County**. The Redevelopment Authority of the City of York, One Marketway West, York, PA 17401 has submitted a Notice of Intent to Remediate site soils contaminated with lead, heavy metals, solvents, PHCs and PAHs, and site groundwater contaminated with heavy metals, solvents and BTEX. The applicant proposes to remediate the site to meet the site-Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* and/or the *York Dispatch* on August 2, 1996.

Proposed Response and Opening of the administrative record under the Hazardous Sites Cleanup Act

Little Rio Grande Creek Site
Hulmeville, Bucks County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has proposed an interim response at the Little Rio Grande Creek Site. The site is located directly adjacent (upstream) to the Route 513 bridge over the Neshaminy Creek in the Borough of Hulmeville, Bucks County, PA. The site involves a former mill race impoundment that was filled with lead battery and slag wastes high in metals content. The majority of the metals contamination is located on nonresidential property within the floodplain of the Neshaminy Creek. Some contamination extends onto a neighboring residential property. The DEP has determined that releases of hazardous substances (metals) from the site pose a threat to human health and safety and the environment.

In order to eliminate the threat posed by the release of hazardous substances at the site, the Department considered the following alternative responses:

1. No Action
2. Complete Excavation/Off-Site Disposal
3. Partial Excavation/Off-Site Disposal/Institutional Controls
4. Institutional Controls—Capping with Deed Notices
5. Institutional Controls—Fencing with Deed Notices

The Department is proposing alternative no. 3, Partial Excavation/Offsite Disposal/Institutional Controls. This alternative involves partially excavating the contaminated material on the nonresidential property and com-

pletely excavating the contaminated material on the adjoining residential property. All excavated materials would be sent offsite to a permitted treatment/disposal facility. Clean fill would replace the excavated material, thus isolating any remaining contamination from human contact. Deed notices would be implemented to place controls on future site excavations and on use of site groundwater.

The administrative record, which contains the information that forms the basis for and documents the selection of this response action, is available for public review and comment. The administrative record is located at the Pennwood Library, Pine and Flowers Avenue, Langhorne, PA, and is available for review during the library's normal hours (Mon., Tues., Wed.—1 p.m. to 9 p.m.; Thurs.—1 p.m. to 5 p.m.; Fri. and Sat.—10 a.m. to 5 p.m.). The administrative record may also be reviewed at the DEP Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA. Please call Kevin Hess at (610) 832-6194 in order to make an appointment to review the administrative record at the DEP Southeast Regional Office.

Written comments concerning the Department's proposed response and related to information contained in the administrative record will be accepted in person, if delivered, or by mail, if postmarked, on or before December 2, 1996. Written comments should be directed to the attention of Kevin Hess, DEP Project Office, Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6194.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing has been scheduled for October 16, 1996, at 7 p.m., at the William Penn Fire Hall, Trenton Ave. and Main St., in Hulmeville, Bucks County. Persons wishing to present oral comments may register on or before the date of the public hearing by contacting Rob Goldberg, DEP Community Relations Coordinator, at (610) 832-6010.

Persons with a disability who wish to attend the public hearing discussed above and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Kevin Hess directly at (610) 832-6194 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA. The date of publication on this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the Administrative Record, as provided, under that act.

Notice of settlements under the Hazardous Sites Cleanup Act

Industrial Solvents and Chemical Company
Newberry Township, York County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into consent order and agreements (COAs) with Texaco Inc. (Texaco) and Zeb Manufacturing, Inc. (Zeb Mfg.) regarding the Department's costs incurred for conducting response activities at the Industrial Solvents and Chemical Company (ISCC) site. The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial and indus-

trial developments are located within a close vicinity of the site. A number of private residential wells have been contaminated by hazardous substances migrating from the ISCC site.

ISCC was involved in the reprocessing of used solvents. Because of violations of hazardous waste requirements, the Department on July 6, 1989, terminated ISCC's authority to operate a hazardous waste treatment and storage facility. The site was abandoned in 1990 when ISCC declared bankruptcy. A total of 996 parties potentially responsible for the hazardous substances located at the ISCC site were identified by the Department.

Because of the threat to human health and the environmental posed by the ISCC site, the site was placed on the Pennsylvania Priority List for Remedial Response on October 26, 1991. The Department and a group of approximately 136 cooperating potentially responsible parties have conducted a number of interim actions at the site to address the release or threat of release of hazardous substances. To date, the Department has incurred costs of approximately \$3 million to implement and/or oversee these interim actions. A final remedial action for the groundwater and soil at the ISCC site will be selected by the Department and implemented in the future.

Under the terms of the proposed COAs, Texaco will pay the Department \$18,650 and Zeb Mfg. will pay the Department \$2,000 to reimburse the Department for its response costs at the ISCC site. The Department considers Texaco and Zeb Mfg. to be *de minimis* contributors of hazardous substances at the site and therefore eligible for settlement as authorized by section 70 of HSCA (35 P. S. § 6020.707).

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlements will become final upon the filing of the Department's response to any significant written comments. The COAs that contain the specific terms of the settlements are available for public review and comment. The COAs can be examined from 8 a.m. to 4 p.m. at the Department's office at One Ararat Boulevard, Harrisburg, Pennsylvania 17110, by contacting Barbara Faletti at (717) 657-4592. A public comment period on the proposed consent order and agreements will extend for 60 days from today's date. Persons may submit written comments regarding the consent order and agreement to the Department by October 30, 1996, by submitting them to Barbara Faletti at the above address.

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 contamination sources.

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 contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **40-318-035**
 Source: Heat Cleaning Oven
 Company: **Owens-Corning Fiberglass Corp.**
 Location: Hazle Township
 County: **Luzerne County**

Permit: **40-318-024**
 Source: Resin Mix & Storage Ventilation System

Company: **Owens-Corning Fiberglass Corp.**
 Location: Hazle Township
 County: **Luzerne County**

Permit: **40-399-023**
 Source: Window Fabrication Operation
 Company: **Owens-Corning Fiberglass Corp.**
 Location: Hazle Township
 County: **Luzerne County**

Permit: **40-318-025**
 Source: Fiberglass Window Mfg. Facility/Off-Line Paint System
 Company: **Owens-Corning Fiberglass Corp.**
 Location: Hazle Township
 County: **Luzerne County**

Permit: **35-318-005**
 Source: Paint Spray Booths
 Company: **Miller Casket Company**
 Location: Jermyn
 County: **Lackawanna County**

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 sources and associated air cleaning devices described below for the specified companies.

Permit: **13-310-006A**
 Source: Stone Crushing Plant
 Company: **Jamico Materials Company**
 Location: Penn Forest Township
 County: **Carbon**

Permit: **35-310-024D**
 Source: Crushing operation w/watersprays
 Company: **Keystone Quarry, Inc.**
 Location: Dunmore Borough
 County: **Lackawanna**

Permit: **35-313-007A**
 Source: #3 and #4 Line trim w/4 baghouses
 Company: **Tredegar Film Products Inc.**
 Location: City of Carbondale
 County: **Lackawanna**

Permit: **39-302-136A**
 Source: Three boilers
 Company: **Lucent Technology Incorporated**
 Location: Upper Macungie Township
 County: **Lehigh**

Permit: **54-313-019A**
 Source: Cylinder Evacuation Pro w/flare
 Company: **Air Products & Chemical Company**
 Location: Rush Township
 County: **Schuylkill**

Permit: **54-313-078**
 Source: TBA/TBP Plant w/ Scrubber
 Company: **Air Products & Chemical Company**
 Location: Rush Township
 County: **Schuylkill**

Permit: **64-332-001**
 Source: Gas sterilizer/aerator
 Company: **Wayne Memorial Hospital**
 Location: Honesdale Borough
 County: **Wayne**

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 below for the specified companies.

Permit: **13-318-001A**

Source: Paint spray booths w/filters

Received: August 1, 1996

Company: **Vic's Time Incorporated**

Location: Palmerton Borough

County: **Carbon**

Permit: **39-307-004B**

Source: 2 Furn/Ladle/Mullers w/2 baghouses

Received: August 7, 1996

Company: **Ransom Industries Incorporated**

Location: Macungie Borough

County: **Lehigh**

Permit: **40-399-038**

Source: Fab 8 Mfg. w/oxidizer/fltr/3 scrub

Received: August 1, 1996

Company: **Harris Semiconductor Internat. Inc.**

Location: Wright Township

County: **Luzerne**

Permit: **48-309-094**

Source: Storehall Clinker Hand w/Baghouse

Received: August 7, 1996

Company: **Hercules Cement Company**

Location: Stockertown Borough

County: **Northampton**

Permit: **48-310-028A**

Source: Stone Crushing Plant/Water Sprays

Received: August 1, 1996

Company: **Chrin Brothers Sanitary Landfill**

Location: Williams Township

County: **Northampton**

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.

49-309-007I. The Department intends to issue an operating permit to **Meckley's Limestone Products, Inc.** (R. D. 1, Box 950, Herndon, PA 17830) for the operation of stone crushing, screening, and the like equipment and associated air cleaning devices (a fabric collector and a water spray dust suppression system) in Lower Mahanoy Township, **Northumberland County**. Some of this equipment is subject to Subpart OOO of the Federal Standards of Performance For New Stationary Sources.

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

36-308-082. The Department intends to issue an Air Quality Operating Permit to **Alumax Mill Products,**

Inc. (P. O. Box 3167, Lancaster, PA 17604) for an annealing furnace in Manheim Township, **Lancaster County**.

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

65-318-064. The Department intends to issue an Air Quality Operating Permit to **ALON Processing, Inc.**, (P. O. Box 231, Tarentum, PA 15084) for a chromizing process at its Leechburg Plant located in Allegheny Township, **Westmoreland County**.

63-000-631. The Department intends to issue an Air Quality Operating Permit to **Columbia Gas Transmission Corporation** (P. O. Box 1273, Charleston, WV 25325) for a natural gas compressor at its Donegal Compressor Station located in Donegal Township, **Washington County**.

04-310-012. The Department intends to issue an Air Quality Operating Permit to **Tajon Warehousing Corporation** (2701 Midland-Beaver Road, Industry, PA 15052) for dust collectors, baghouses, and atomized water spray systems on the barge/rail terminal at Arrow Terminals located in Industry Borough, **Beaver County**.

56-323-001. The Department intends to issue an Air Quality Operating Permit to **G. M. Honkus & Sons Inc.**, (2030 Seanor Road, Windber, PA 15963) for a wire insulation removal furnace at its plant located in Paint Township, **Somerset County**.

04-307-037A. The Department intends to issue an Air Quality Operating Permit to **J & L Structural, Inc.** (111 Station Street, Aliquippa, PA 15001) for flue gas recirculation on the billet reheat furnace at its Aliquippa Plant located in Aliquippa Borough, **Beaver County**.

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

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

47-310-003. Construction of a stone crushing plant and associated air cleaning devices (2 fabric collectors and a water spray dust suppression system) by **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) at the Milton Quarry in Limestone Township, **Montour County**. This plant is subject to Subpart OOO of the Federal Standards of Performance For New Stationary Sources.

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

36-319-038A. Modification of an existing chromium electroplating tank by **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) at their Lancaster East facility in the City of Lancaster, **Lancaster County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

06-1003A. Construction of a silicon etch process controlled by cooling coils and refrigerated heat exchangers by **Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396) in Muhlenberg Township, **Berks County**.

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

PA-03-147. Asbury Graphite Mills, Inc. (R. R. 7, Box 1, Kittanning, PA 16201) for a baghouse on the double roll crusher at its Kittanning Division facility located in North Buffalo Township, **Armstrong County**.

PA-11-005A. Bar Technologies, Inc. (227 Franklin Street, Suite 300, Johnstown, PA 15901) for a Bloom Reheat Furnace at its Johnstown Plant located in Franklin Borough, **Cambria County**.

PA-63-649A. Polycom Huntsman, Inc. (55 Galiffa Drive, Donora, PA 15033) for ThermoPlast Compounding at its Donora Plant No. 1 facility located in Donegal Township, **Washington County**.

PA-04-685A. Dravo Lime Company (3600 Oliver Plaza, Pittsburgh, PA 15222) for a portable dry bulk conveyor at its Kobuta Yard facility located in Potter Township, **Beaver County**.

PA-56-263A. Penn Coal, Inc. (214 College Park Plaza, Johnstown, PA 15904) for a coal screening process at its Sarah Mine facility located in Jenner Township, **Somerset County**.

PA-65-800A. Columbia Gas Transmission Corporation (P. O. Box 1273, Charleston, WV 25325) for reciprocating engines at its Delmont Compressor Station facility located in Salem Township, **Westmoreland County**.

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

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

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

Permit: **OP-46-0030**
Source: Facility Permit
Company: **Lockheed Martin Corp.**
Change of Ownership: formerly Martin Marietta Astro Space
Location: Upper Merion
County: **Montgomery**

Permit: **15-399-039**
Source: Heat Cleaning Oven
Company: **LNP Engineering Plastics, Inc.**
Location: Caln
County: **Chester**

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

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

15-302-085. On May 31, 1996, an application was received from **Kennett Consolidated School District** (130 E. South Street, Kennett Square, PA 19348) for the construction of three small boilers to be located in Kennett Township, **Chester County**.

46-318-046. On August 8, 1996, an application was received from **E. D. Woodwork, Inc.** (233 West Main

Street, Norristown, PA 19401) for the construction of two spray booths to be located in Upper Providence Township, **Montgomery County**.

23-312-187. On August 7, 1996, an application was received from **Sun Company, Inc. (R&M)** (P. O. Box 426, Marcus Hook, PA 19061) for the modification of a vapor recovery system to be located in Marcus Hook Borough, **Delaware County**.

15-329-003. On August 8, 1996, an application was received from **Transcontinental Gas Pipeline Corp.** (P. O. Box 1396, Houston, TX 77251) for the construction of internal combustion engine to be located in East Whiteland Township, **Chester County**.

46-327-010A. On August 6, 1996, an application was received from **Tube Methods, Inc.** (416 Depot Street, Bridgeport, PA 19405) for the modification of vapor degreaser to be located in Bridgeport Borough, **Montgomery County**.

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

Regional Office: Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

10-313-047. The Department intends to issue an Air Quality operating permit to **Mine Safety Appliances Company, Callery Chemical Company** (P. O. Box 429, Pittsburgh, PA 15230) for the operation of a boiler in Forward Township, **Butler County**.

33-302-017. The Department intends to issue an Air Quality operating permit to **Punxsutawney Area School District Middle School** (Beyer Avenue, Punxsutawney, PA 15767) for the operation of a CNB tri-fuel boiler at Punxsutawney, **Jefferson County**.

37-307-031B. The Department intends to issue an Air Quality operating permit to **International Metals Reclamation Co.** (P. O. Box 720, Ellwood City, PA 16117) for the operation of an electric arc furnace in Ellwood City, **Lawrence County**.

42-309-020. The Department intends to issue an Air Quality operating permit to **Ball-Foster Glass Container Company** (One Glass Place, Port Allegany, PA 16743) for the operation of a glass melting furnace at Port Allegany, **McKean County**.

42-322-001. The Department intends to issue an Air Quality operating permit to **McKean County Solid Waste Authority** (P. O. Box 448, Mt. Jewett, PA 16740) for the operation of a disposal facility at the Kness Landfill in Sergeant Township, **McKean County**.

25-307-034. The Department intends to issue an Air Quality operating permit to **EMI Company** (603 W. 12th St., Erie, PA 16501) for the operation of an in-liner dust collection system in Erie, **Erie County**.

37-309-050. The Department intends to issue an Air Quality operating permit to **ESSROC Materials, Inc.** (P. O. Box 5250, Poland, OH 44514) for the operation of a storage and conveying system in Bessemer Borough, **Lawrence County**.

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

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

OP-63-872. Rock Tenn Company (P. O. Box 116, Charleroi, PA 15022) for paperboard manufactured at its Charleroi Partition facility located in Charleroi Borough, **Washington County**.

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

Northwest Regional Office: Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

37-309-049A. The Department received a plan approval application for construction of a refractory drying oven (2 million lbs refractory/year, 10 MM Btu/hr heat input), by **Universal Refractories, Inc.** (915 Clyde Street, P. O. Box 97, Wampum, PA 16157-0097) in Wampum Borough, **Lawrence County**.

62-329-005A. The Department received a plan approval application for construction of 2 natural gas compressor engines (800 HP and 292 HP) by **Elkhorn Operating Company** (8801 S. Yale, Suite 420, Tulsa, OK 74137) in Sheffield Township, **Warren County**.

25-316-003. The Department received a plan approval application for construction of a wood processing system (20,000 tons per year), to produce furniture components, by **Bush Industries, of Pennsylvania, Inc.** (2455 Robinson Road West, Summit, PA 16509), in Summit, **Erie County**.

24-313-116A. The Department received a plan approval application for installation of a baghouse (4,000 ACFM) to an existing graphite pulverizing and blending process by **Carbone of America** (215 Stackpole Street, Saint Marys, PA 15857), in St. Marys, **Elk County**.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

11960201. Smith Energy, Inc. (1075 Chestnut Street, Nanty Glo, PA 15943), commencement, operation and

restoration of bituminous strip-coal refuse reprocessing mine in Nanty Glo Borough, **Cambria County**, affecting 7.4 acres, receiving stream Pergrin Run to South Branch Blacklick Creek, application received August 8, 1996.

32960104. D. J. & W. Mining, Inc. (P. O. Box 425, Indiana, PA 15701), commencement, operation and restoration of bituminous strip-auger mine in Rayne Township, **Indiana County**, affecting 71.0 acres, receiving stream Brush Run to Crooked Creek and Crooked Creek, application received August 7, 1996.

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

26783002. T. L. Hill Coal Company (R. D. 3, Box 690-A, Uniontown, PA 15401). Revision received to add blasting to an existing bituminous surface mine located in Georges Township, **Fayette County**, affecting 56.9 acres. Receiving streams York Run to Georges Creek to the Monongahela River. Revision received August 7, 1996.

03960104. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelcta, PA 15774). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, proposed to affect 154.6 acres. Receiving stream Lindsay Run. Application received August 7, 1996.

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

Noncoal Applications Received

06960301. Allentown Cement Company, Inc. (P. O. Box 619, Blandon, PA 19510-0619), commencement, operation and restoration of a quarry operation in Oley Township, **Berks County**, affecting 201.0 acres, receiving stream Manatawny Creek. Application received August 13, 1996.

40900303T. Barletta Materials & Construction, Inc. (P. O. Box 10, Hazleton, PA 18201), transfer of an existing quarry operation from JA & WA Hess, Inc., in Hazle Township, **Luzerne County** affecting 490.0 acres, receiving stream none. Application received August 12, 1996.

5476SM4A1C. Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038), correction to an existing quarry operation in Montgomery Township, **Montgomery County** affecting 23.7 acres, receiving stream unnamed tributary to Neshaminy Creek. Application received August 14, 1996.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

E02-1158. Encroachment. Leonard R. Bailey Sr., 221 Water Street, Elizabeth, PA 15037. To construct and maintain a 62-foot × 32-foot recreational boat dock in the Monongahela River at Mile Marker 22.8 (Glassport, PA Quadrangle N: 4.5 inches; W: 1.75 inches) in Elizabeth Borough, **Allegheny County**.

E02-1159. Encroachment. John Folino, 1889 Menold Drive, Allison Park, PA 15101. To place and maintain fill in 0.1 acre of wetlands for the purpose of constructing a 2-story office building located just east of intersection of Route 19 and Hillvue Lane (Emsworth, PA Quadrangle N: 12.6 inches; W: 5.0 inches) in the town of McCandless, **Allegheny County**.

E02-1160. Encroachment. 919 Old Henderson Road, Columbus, OH 43220. To place and maintain fill in 0.29 acre of wetlands for the purpose of developing a 70-unit assisted care facility located at the corner of King Lear Drive and Mossie Boulevard (Braddock, PA Quadrangle N: 9.9 inches; W: 0.4 inch) in Monroeville Borough, **Allegheny County**.

E03-358. Encroachment. West Franklin Township, R. R. 1, Worthington, PA 16262. To operate and maintain a 5-foot steel culvert in an unnamed tributary to Buffalo Creek to carry T-324 over said stream. The construction was authorized under Emergency Permit No. EP0396203 and is located just west of intersection of T-324 and SR 3010 (Worthington, PA Quadrangle N: 22.0 inches; W: 8.4 inches) in West Franklin Township, **Armstrong County**.

E32-377. Encroachment. Indiana County Commissioners, 825 Philadelphia Street, Indiana, PA 15701. To rehabilitate and maintain existing County Bridge No. 27 by constructing and maintaining steel superstructure for support. The bridge carries TR 415 over Crooked Creek (Ernest, PA Quadrangle N: 7.0 inches; W: 15.5 inches) in Armstrong Township, **Indiana County**.

E63-416. Encroachment. Union Township Board of Parks and Recreation, Box 43, Gastonville, PA 15336. To construct and maintain two wooden pedestrian bridges over Peters Creek to access the proposed park on Jason Drive off of Route 88 South (Bridgeville, PA Quadrangle N: 2.4 inches; W: 0.5 inch) in Union Township, **Washington County**.

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

E08-297. Water obstruction and encroachment. Smithfield Township Supervisors, R. R. 1, Milan, PA 18831. To remove the existing structure and to construct and maintain a 5-foot high by 12-foot wide precast box culvert, depressed 6 inches with an effective underclearance of 4 feet 6 inches and length of 21 feet in Peas Creek. The project is located on T-623 about 500 feet east

of SR 4011 (Ulster, PA Quadrangle N: 17.1 inches; W: 16.3 inches) in Smithfield Township, **Bradford County**. Estimated stream disturbance is about 50 feet with no wetland impact; stream classification is TSF.

E49-202. Water obstruction and encroachment. **Masser's Inc.**, P. O. Box 88, Paxinos, PA 17860. To construct and maintain a 70-foot diameter steel pipe stream enclosure, 328 feet long, in Lick Creek. This project is located downstream of SR 61 just west of its intersection with SR 487 (Shamokin, PA Quadrangle N: 18.0 inches; W: 12.5 inches) in Shamokin Township, **Northumberland County**. Estimated stream disturbance 328 feet; stream classification is CWF.

E59-327. Water obstruction and encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To install and maintain streambed paving, partial jacketing on abutments, and a new deck slab on an existing bridge across Bailey Creek. The project is located on SR 1013 about 300 feet north of SR 1011 (Millerton, PA Quadrangle N: 4.5 inches; W: 14.8 inches) in Rutland Township, **Tioga County**. Estimated stream disturbance is about 50 feet with no wetland impact; stream classification is TSF.

DEP Central Office: Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.

D30-045A. Dam. **Consol Pennsylvania Coal Company**, 1800 Washington Road, Pittsburgh, PA 15241. To modify, operate and maintain the existing sedimentation Pond No. 2 to provide increased sedimentation capacity for the Bailey Mine Refuse Disposal Area No. 2. The dam is located across a tributary to Enlow Fork in Richhill Township, **Greene County**.

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

E06-481. Encroachment. **H. Robert Sharman**, Henry, Inc., 1 Aspen Ave., Sinking Spring, PA 19608. To construct and maintain a twin 8-foot span by 4-foot high concrete box culvert in a portion of a relocated channel of an unnamed tributary to Willow Creek for the purpose of relocating about 2,000 foot of channel to develop a property for residential housing known as Blandon Meadows V located on the north side of Park Road (SR1010) about 1,000 feet east of its intersection with SR0073 (Temple, PA Quadrangle N: 12.4 inches; W: 1.2 inches) in Maiden Creek Township, **Berks County**.

E67-570. Encroachment. **Harry H. Fox, Jr.**, 241 Old York Road, Dillsburg, PA 17019. To construct and maintain a low-flow stream crossing consisting of four 36-inch diameter C. M. pipe culverts in Bald Eagle Creek for a private access driveway to Lot No. 1 in the Fawn Meadows residential subdivision located on the north side of T-587 (Day Road) (Fawn Grove, PA Quadrangle N: 22.0 inches; W: 10.6 inches) in Fawn Township, **York County**.

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

E25-539. Encroachment. **Greene Township Supervisors**, 899 Old Wattsburg Road, Erie, PA 16510. To remove existing 9-foot clear span steel I-beam bridge and to install and maintain a 12-foot wide by 4.54-foot high corrugated metal arch culvert road crossing across east branch of LeBoeuf Creek (TSF). The project will also include 300 feet of stream channel relocation work up-

stream of the bridge. Project is located approximately 3,900 feet north of the intersection of Bliley Road (T-646) and S. R. 008 (Hammett, PA Quadrangle N: 12.8 inches; W: 7.8 inches) located in Greene Township, **Erie County**.

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

E46-212. Encroachment. **Philadelphia Electric Company**, 2301 Market Street, Philadelphia, PA 19101. To reissue and amend permit E46-212 to maintain an existing building and to construct and maintain a 2,500 square foot building for the fireman training facility within the 100-year floodplain of the Schuylkill River located along the west bank at a point approximately 500 feet above the Plymouth Dam (Norristown, PA Quadrangle N: 13.7 inches; W: 9.6 inches) in West Conshohocken Borough, **Montgomery County**.

E15-518. Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove a 16.5 foot long bridge with a span of 13 feet, an average underclearance of 4.2 feet, to remove associated masonry abutments and to construct and maintain 33 linear feet of 18-foot by 5-foot reinforced concrete box culvert and associated roadway fills at this location in and along the Pocopson Creek (TSF-MF) located approximately 400 feet south of the intersection of Marlboro Road (T-463) and Red Lion Road (SR 3027) (Unionville USGS Quadrangle N: 4.2 inches; W: 8.5 inches) in Pocopson Township, **Chester County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Environmental Assessment and Request for 401 Certification

EA02-002SW. Environmental assessment. **Township of Scott**, 2600 Old Greentree Road, Carnegie, PA 15106. To construct and maintain a 0.7 acre wetland area for the purpose of passive treatment of abandoned mine discharge located along Scrubgrass Run approximately 1,000 feet north of Kane Memorial Hospital (Pittsburgh West, PA Quadrangle N: 1.3 inches; W: 12.5 inches) in Scott Township, **Allegheny County**.

The following Environmental Assessment and request for Water Quality Certification are being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

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

EA10-006NW. Environmental assessment. **Robert Hedin**, Hedin Environmental, 634 Washington Road, Pittsburgh, PA 15228. To construct and maintain an acid mine water collection system, a 450-ton anoxic limestone drain, a 3,000 square foot settling pond, and a 3,500 square foot constructed wetland area to collect and treat acid mine drainage prior to discharge to Slippery Rock Creek (CWF). The project is located approximately 1,000 feet west of the intersection of Higgins Road and Pisor Road directly south of the Village Higgins Corner (Hilliards, PA Quadrangle N: 17.8 inches; W: 12.1 inches) located in Washington Township, **Butler County**.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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 the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

Permits Issued

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

NPDES Permit No. PA0204153. Industrial waste, **Cambria CoGen Company**, 7201 Hamilton Boulevard, Allentown, PA 18195-1501 is authorized to discharge from a facility located at Cambria CoGen Company, Cambria Township, **Cambria County** to Little Conemaugh River (Outfall 001), north branch of Little Conemaugh River (Outfall 002), and unnamed tributary of north branch Little Conemaugh River (Outfall 003).

NPDES Permit No. PA0216607. Industrial waste, **Texas Eastern Transmission Corporation**, 5444 Westheimer Court-WT 712, Houston, Texas 77056-5388 is authorized to discharge from a facility located at Delmont Compressor Station, Salem Township, **Westmoreland County** to Beaver Run.

NPDES Permit No. PA0095001. Sewage, **Lincoln Borough**, R. D. 4, Box 120B, Mable Drive, Elizabeth, PA 15037 is authorized to discharge from a facility located at Virginia Drive Sewage Treatment Plant, Lincoln Borough, **Allegheny County** to an unnamed tributary of Coursin Hollow Run.

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

NPDES Permit No. PA 0034789. Industrial waste. **St. Marys Area Water Authority**, 429 Ridgeway Road, P. O. Box 33, St. Marys, PA 15857 is authorized to discharge from a facility located in the City of St. Marys, **Elk County** to Laurel Run.

NPDES Permit No. PA 0032905. Sewage. **Sunnyview Mobile Home Park**, 90 Shenango Park Road, Transfer, PA 16154 is authorized to discharge from a facility located in Pymatuning Township, **Mercer County** to a dry swale to Brush Run.

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

Permits Issued

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

Permit No. 6596406. Sewerage, **Penn Township**, P. O. Box 452, Harrison City, PA 15636. Construction of gravity collector sewers, pump station and force main located in the Township of Penn, **Westmoreland County**, to serve the Level Green Commons.

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

WQM Permit No. 3395202. Industrial waste. **Happy Landing Landfill**, Eagle Environmental, L. P., 11 New Street, Englewood Cliffs, NJ 07632. This project is for the construction of a leachate treatment facility in Washington Township, **Jefferson County**.

WQM Permit No. 4396407. Sewerage, **James Lawrence**, SRSTP, 175 N. State Line Rd., Greenville, PA 16125. Construction of James Lawrence SRSTP located in W. Salem Township, **Mercer County**.

WQM Permit No. 2096406. Sewerage, **James Schmid**, SRSTP, 221 Downieville Rd., Valencia, PA 16059. Construction of James Schmid SRSTP located in S. Shenango Township, **Crawford County**.

NPDES General Permit Final Actions

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

The Department of Environmental Protection has taken the following final actions on previously received Notice of Intent for approval of coverage under General NPDES Permits.

<i>NPDES 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

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.

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

<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>
PAR142206	3	Ponderosa Fibres of PA Partnership 6 Horwith Drive P. O. Box 190 Northampton, PA 18067	Northampton Northampton	Hokendauqua Crk.	2611
PAR202231	3	Phoenix Forging Co., Inc. 1000 Front Street P. O. Box 70 Catasauqua, PA 18032-0070	Lehigh and Northampton Catasauqua Borough and N. Catasauqua Borough	Lehigh	3482

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>
PAG048395	PAG-4	James Schmid 221 Downieville Rd. Valencia, PA 16059	Crawford South Shenango Twp.	Unnamed Tributary Pymatuning Reservoir	
PAG048397	PAG-4	James Lawrence 175 N. State Line Rd. Greenville, PA 16125	Mercer West Salem Twp.	Tributary to Booth Run	
PAR328306	PAG-3	Saxonburg Ceramics Inc. 100 Isabella St. Saxonburg, PA 16056-0688	Butler Saxonburg Borough	Thorn Creek	3264
PAR208351	PAG-3	Young Galvanizing Inc. P. O. Box 334, Rt. 551 Pulaski, PA 16143	Lawrence Pulaski Twp.	Shenango River	3479
PAR808310	PAG-3	Trinity Ind., Inc. 100 York St. Greenville, PA 16125	Mercer Hempfield Twp.	Three outfalls to Erie Extension Canal	3743
PAR238302	PAG-3	Advanced Polymer Technology Corp. 109 Conica Lane P. O. Box 160 Harmony, PA 16037	Butler Jackson Twp.	Unnamed Tributary Connoquenessing	2821
PAR228325	PAG-3	Willamette Ind.—Johnsonburg Mill North Chip Plant Kane, PA 16735	McKean Hamlin Twp.	West Branch Clarion River	2499

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

PAS-10-H058. Individual NPDES. **S. & A. Custom Built Homes, Inc.**, 501 Rolling Ridge Drive, State College, PA 16801. To implement an Erosion and Sedimentation Control Plan for a single family housing development called "Graystone Manor and the Highlands," Section 3 on 56.14 acres in Carlisle Borough, **Cumberland County**. The project is located at the southwest corner of Meetinghouse Spring Road and I-76 (Carlisle, PA Quadrangle N: 15.5 inches; W: 13.4 inches). Drainage will be to the Conodoguinet Creek.

PAS-10-I026. Individual NPDES. **N. C. Partners**, 1770 East Market Street, York, PA 17402. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Hunt Club Estates on 86.3 acres in Lower Paxton Township, **Dauphin County**. The project is located about 2.7 miles east of Colonial Park bounded by Nyes Road, Red Top Road and Copperstone Road (Harrisburg East, PA Quadrangle N: 8.5 inches; W: 1.7 inches). Drainage will be to unnamed tributary to Beaver Creek.

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>
PAS107413	Wal-Mart Stores, Inc. 701 South Walton Boulevard Bentonville, AR 72716-8703	Wayne County Texas Township	Tributary to Holbert Creek and Holbert Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G177	Quaker Group Residential 593 Bethlehem Pike Montgomeryville, PA 18934	Phoenixville Borough Chester County	Schuylkill River

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

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

Location: Kopper Penny/One Stop located at the Northwest corner of the intersection of SR 329 and SR 3017, Allen Township, **Northampton County**.

Project Description: This project proposes a commercial building housing 2,100 square feet of convenience store and 1,000 square feet of fast food drive thru service only. Four gas pump islands will also be included on the site. The proposed sewage flows for the project are 600 gpd based on flows from similar facilities. The 600 gpd of proposed sewage flows will be disposed of through the use of an onsite aerobic package treatment facility. An onlot well will supply water to the project. An easement has been obtained from the adjoining property owner to cross his land with the discharge line from the package plant to gain access to the stream. Soil testing done on the 2.10 acre site showed unsuitable soil conditions for the use of an onlot sewage disposal system.

An operation and maintenance agreement for the long term operation and maintenance of the package treatment plant has been executed between the developer and Allen Township, as per 25 Pa. Code § 71.72.

The developer and the township are also of the understanding that the package treatment plant proposed for this site would have to be abandoned in the event that public sewerage facilities would become available to the site in the future.

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

Location: Summerville Borough, **Jefferson County**, Summerville Borough Council, c/o Jami Fenstermaker, Secretary, P. O. Box 277, Summerville, PA 15864.

Project Description: The approved plan provides for construction of a conventional sanitary sewage collection and conveyance system and an 86,000 gpd sewage treatment plant (STP).

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

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

Permit No. 0396503. Public water supply. **William E. Altmeyer, Sr.**, R. D. 1, Box 136, Kittanning, PA 16201.

Type of Facility: New water treatment system.

Permit to Construct Issued: August 2, 1996.

Permit No. 0496502. Public water supply. **Ambridge Water Authority**, 1001 Merchant Street, Ambridge, PA 15003.

Type of Facility: Installation of metering pumps, chemical storage tanks, and the addition of Aqua-Mag for corrosion control.

Permit to Construct Issued: August 6, 1996.

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

Permit No. 6495504. Public water supply. **Canal Mobile Home Park, c/o Frank Perano**, Box 278, King of Prussia, PA 19406. This proposal involves two well sources, hypochlorinators, hydropneumatic tanks and distribution system. It is located in Texas Township, **Wayne County**.

Permit to Operate: July 10, 1996.

Permit No. 6496502. Public water supply. **Wallenpaupack Lake Estates, c/o Wes W. Valkenburg**, Director of Sewer & Water Operations, R. R. 1, Box 100, Lake Ariel, PA 18436-9801. This proposal involves the

construction of a well (Ski Bluff Well), disinfection facilities, booster pump, and transmission mains to serve the Wallenpaupack Lake Estates located in Paupack Township, **Wayne County**.

Permit to Operate: July 15, 1996.

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

Permit No. 2596502. Public water supply. **Millcreek Township Water Authority**, (Caughey Road Booster Station) P. O. Box 8158, Erie, PA 16505. This permit is for the construction of a new water supply booster pump station and the abandonment of the existing pump station, with all connections capped/plugged following the placing of the new station in operation in Millcreek Township, **Erie County**.

Type of Facility: Mobile home park.

Consulting Engineer: Gerald C. Allender, Consoer Townsend Envirodyne Engineers, Inc., 155 West 8th St., Erie, PA 16501.

Permit to Construct Issued: August 14, 1996.

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

Permit No. 1191508. Public water supply. **Vintondale Borough Municipal Authority**, P. O. Box 217, Municipal Building, Vintondale, PA 15961.

Type of Facility: 300,000 gallon storage tank.

Permit to Operate Issued: August 14, 1996.

Permit No. 1192506. Public water supply. **Vintondale Borough Municipal Authority**, P. O. Box 217, Municipal Building, Vintondale, PA 15961.

Type of Facility: Wells no. 2 and no. 3, and well pumphouse.

Permit to Operate Issued: August 14, 1996.

Permit No. 1194502. Public water supply. **Vintondale Borough Municipal Authority**, P. O. Box 217, Municipal Building, Vintondale, PA 15961.

Type of Facility: Well no. 1.

Permit to Operate Issued: August 14, 1996.

Permit No. 5696503. Public water supply. **Rockwood Borough Municipal Authority**, 358 Market Street, Rockwood, PA 15557.

Type of Facility: Wells, pump station and chemical feed facilities.

Permit to Construct Issued: August 14, 1996.

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

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

KVS Transportation, Inc., P. O. Box 5295, Bakersfield, CA 93388; License No. **PA-AH 0536**; license issued August 14, 1996.

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

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

Drug and Laboratory Disposal, Inc., 331 Broad Street, Plainwell, MI 49080-1439; License No. **PA-AH S231**; license issued August 14, 1996.

Jack Gray Transport, Inc., 4600 East 15th Avenue, Gary, IN 46403; License No. **PA-AH 0208**; license issued August 8, 1996.

Liquid Cargo, Inc., 470 Schuyler Avenue, Kearny, NJ 07032; License No. **PA-AH 0388**; license issued August 14, 1996.

Marisol, Incorporated, 125 Factory Lane, Middlesex, NJ 08846-1091; License No. **PA-AH 0164**; license issued August 14, 1996.

Mid-State Trading Co., 2525 Trenton Avenue, Williamsport, PA 17701; License No. **PA-AH 0148**; license issued August 14, 1996.

Radiac Research Corp., 261 Kent Avenue, Brooklyn, NY 11211; License No. **PA-AH S007**; license issued August 14, 1996.

Snow Environmental Services, Inc., 227 Pennell Road, Aston, PA 19014; License No. **PA-AH 0192**; license issued August 8, 1996.

Hazardous Waste Transporter License voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

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

Allwaste Environmental Services/Chesapeake, Inc. c/o Allwaste, Inc., 5151 San Felipe, Suite 1600, Houston, TX 77056-3609; License No. **PA-AH 0420**; license terminated July 26, 1996.

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit No. WMGR019. Pennsylvania Foundrymen's Association, One Plymouth Meeting, Plymouth Meeting, PA 19462. A permit for the beneficial use of waste foundry sand as a roadway construction material or as an ingredient or component in the manufacturing of asphalt or concrete products. The following companies have been approved to beneficially use their waste foundry sand under this general permit: Washington Mould Co.; Wayno Foundry, Inc.; Weatherly Casting & Machine Co.; West Salisbury Foundry & Machine Co.;

Ward Manufacturing, Inc.; U. S. Lock & Hardware Co., Inc.; Pennecast Corp.; Unicast Co.; Quaker Alloy, Inc.; Q Cast Aluminum; McConway & Torley Corp. (Pittsburgh & Kutztown); Buck Co., Inc.; McLanahan Corp.; TB Wood's Inc.; Frontier Foundry, Inc.; Somerset Foundry & Machine Co.; New Castle Foundry Co.; Watsonstown Foundry; Benton Foundry, Inc.; Penna. Steel Foundry & Machine Co.; Johnstown Corp.; Littlestown Hardware & Foundry; Boose Aluminum Foundry Co.; Cochrane Foundry, Inc.; Williamsport Foundry Co., Inc.; Empire Steel Castings, Inc.; EMI Co.; and Harmony Castings, Inc. The permit was originally issued by Central Office on April 22, 1996.

General Permit No. WMGR032. Pennsylvania Foundrymen's Association, One Plymouth Meeting, Plymouth Meeting, PA 19462. A permit for the beneficial use of waste foundry slag generated by metal casting foundries for use as a roadway construction material or as an ingredient or component in the manufacturing of asphalt or concrete products. The permit was issued by Central Office on July 11, 1996.

General Permit No. WMGR027. Pennsylvania Asphalt Pavement Association, 3540 North Progress Avenue, Suite 7, Harrisburg, PA 17110-9637. A permit for the beneficial use of "hot-mix" asphalt plant residues (baghouse fines and scrubber pond residue) for use as an aggregate in roadway construction or as a component or ingredient in asphalt or cement products. The permit was issued by Central Office on August 7, 1996.

General Permit No. WMGR038. Waste tire processing and/or beneficial use. The Department of Environmental Protection, Bureau of Land Recycling and Waste Management, has authorized, under General Permit No. WMGR038, processing and/or beneficial use of waste tires and/or tire-derived material. This is a Statewide general permit.

Under the terms and conditions of the general permit, persons who are approved to process and/or beneficially use waste tires and/or tire derived material will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conform with local safety and nuisance control requirements, conformance with isolation distances, maintain records and submit routine operation reports.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611 of the residual waste management regulations to issue general permits for any category of beneficial use or processing that results in beneficial use of residual waste on a regional or Statewide basis when the Department determines that such use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions.

The Department has determined the following: waste whole tires and/or tire derived material (TDM); (1) can be used as fuel for cement production, steel production, power generation and other industrial operations; and (2) as feedstock for the production of crumb rubber which, in turn, may be used in such products as new tires, molded rubber products, carpets, flooring, "astroturf" underlay, extruded products, automotive brakes, asphalt modifier for roads and athletic surfaces, moisture retainer for turf development, railroad grade crossings and footwear; and the processing and beneficial use can be adequately regulated using general conditions.

Tire retreading operations will, in effect, be exempt as a "grandfathering" exclusion, provided the storage provisions outlined in these general permit conditions are not violated.

Persons requesting approval to operate under the terms of this general permit will be required to obtain a "Determination of Applicability" from the appropriate Regional Office for each site where tires and/or tire derived materials will be processed or beneficially used. The following minimum information will be required in order to obtain a Determination of Applicability.

- a. Name and address of the applicant.
- b. Name and location of the generator of the tires and/or tire derived material being processed or beneficially used.
- c. Number and title of the general permit.
- d. A detailed site plan.
- e. A detailed description of the operation.
- f. Proof that the proposed processing and/or beneficial use is consistent with the general permit.
- g. A signed statement accepting all conditions of the general permit.
- h. Proof of municipal notification.
- i. Proof of identification of interests.
- j. Compliance history information.
- k. An application fee designated by the Department.
- l. Proof of right of applicant to enter property and perform activities.
- m. A copy of the facilities PPC Plan.
- n. An irrevocable written consent from the landowner giving the Department permission to enter the facility.
- o. Evidence of comprehensive liability insurance in effect.
- p. A written estimate of the maximum number of whole tires and shredded tires on site for the next 12 months of operation and a copy of the bonding worksheets.

Persons interested in obtaining further information or a copy of this general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472 or Peter Slack, Chief, Division of Permits, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461.

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

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

Permit ID No. 101648. Genesis Autoclave Facility, Genesis Environmental, Inc., 108 Atterbury Road, Monroeville, PA 15146. Operation of an infectious/chemotherapeutic waste processing and transfer facility in City of McKeesport, **Allegheny County**. Permit issued in the Regional Office on August 12, 1996.

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

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

PAD987335379. Babcock and Wilcox Company, Koppel facility, Arthur Street, Koppel Borough, Beaver County 16136. Operation of a hazardous waste disposal facility in Koppel Borough, **Beaver County**. Permit modified in the Regional Office on July 31, 1996. The modification approves maximum groundwater concentration limits that, if exceeded, would trigger assessment; approves alternate method detection limits for groundwater monitoring; approves a change in monitoring frequencies for nonindicator groundwater monitoring parameters; and approves the use of alternate statistical techniques for data analyses.

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

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

Permit I. D. No. 101637. Wyoming Valley Recycling, Solid Waste Services, Inc., d/b/a J. P. Mascaro & Sons, 320 Godshall Drive, Harleysville, PA 19438. A Permit Application for the operation of this solid waste processing/transfer facility, located in Hanover Township, **Luzerne County**. This permit application was denied in the Regional Office on August 8, 1996.

Final Reports

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 reports:

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

All Star Chrysler Plymouth, Swatara Township, **Dauphin County**. All Star Chrysler Plymouth, 3400 Paxton Street, Harrisburg, PA 17111 has submitted a Final Report concerning remediation of site soils contaminated with solvents and TPH. The report is intended to document remediation of the site to meet the Statewide Health standard.

Pennsylvania Power & Light Hershey Service Center, Derry Township, **Dauphin County**. Pennsylvania Power & Light Company, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide Health standard.

General Plan Approval and 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.

General Plan Approval and Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following:

Authorization No. **GP1-05-3001**
JLG Industries, Inc.

JLG Industries, Inc.—Sunnyside Plant
Bedford Township, **Bedford County**
Source: Rite Boiler: Model 1250
Date Issued: August 1, 1996

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

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

04-310-014. The Department intends to issue an Air Quality Operating Permit to **Georgetown Sand & Gravel, Inc.**, (Third Street Extension, P. O. Box 127, Georgetown, PA 15043) for sand and gravel processing at its Georgetown Plant located in Greene Township, **Beaver County**.

OP-03-197. The Department intends to issue an Air Quality Operating Permit to **Nature's Blend Wood Products, Inc.** (P. O. Box 392, Ford City, PA 16226) for a cabinet manufacturing process at its plant in Ford City Borough, **Armstrong County**.

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

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

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **13-399-002**
 Source: Bulk Magnitite Storage W/Baghouse
 Company: **Prince Manufacturing Company**
 Location: Bowmanstown Borough
 County: **Carbon**

Permit: **39-302-120**
 Source: Boilers
 Company: **Fieldcrest Cannon Surefit Inc.**
 Location: Hanover Township
 County: **Lehigh**

Permit: **48-313-077**
 Source: Floor Material Handling/Baghouse
 Company: **Harcros Pigments Incorporated**
 Location: Wilson Borough
 County: **Northampton**

Permit: **48-315-002B**
 Source: Paper Trim System W/Cyclone
 Company: **James River Paper Company Inc.**
 Location: Forks Township
 County: **Northampton**

Permit: **48-320-006B**
 Source: 4 Presses (VOC Synthetic Minor)
 Company: **James River Paper Company Inc.**
 Location: Forks Township
 County: **Northampton**

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

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

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

Permit: **35-313-007A**
 Source: No. 3 and No. 4 Line Trim W/4 Baghouses
 Issued: August 12, 1996
 Company: **Tredegard Film Products Inc.**
 Location: City of Carbondale
 County: **Lackawanna**

Permit: **48-307-057**
 Source: Heat Treat Furnace (Natural Gas)
 Issued: August 7, 1996
 Company: **Centec Corporation**
 Location: City of Bethlehem
 County: **Northampton**

Permit: **48-310-005A**
 Source: Material Dryer W/Baghouse
 Issued: August 6, 1996
 Company: **Waylite Corporation**
 Location: City of Bethlehem
 County: **Northampton**

Permit: **54-310-013**
 Source: Portable Crushing/Screening Plant
 Issued: August 8, 1996
 Company: **Mellott Estate Incorporated**
 Location: Pine Grove Township
 County: **Schuylkill**

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

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

59-304-008. On July 1, 1996, plan approval was issued to **Ward Mfg., Inc., ACP Division** (P. O. Box 9, Blossburg, PA 16912) for the construction of an iron foundry and associated air cleaning devices (fabric collectors) in Lawrence Township, **Tioga County**.

14-399-013C. On July 3, 1996, plan approval was issued to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the construction of an automatic nickel/tin plating line (#5) and associated air cleaning device (a fume scrubber) in Ferguson Township, **Centre County**.

OP-49-0010A. On July 9, 1996, plan approval was issued to **American Home Foods** (Marr Street, Milton, PA 17847) for the construction of a natural gas/No. 2 oil fired boiler in Milton Borough, **Northumberland County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

19-302-029. On July 23, 1996, plan approval was issued to **Foam Fabricators Inc.** (7050 New Berwick Highway, Bloomsburg, PA 17815) for the construction of a natural gas fired boiler in South Centre Township, **Columbia County**.

14-309-025D. On July 23, 1996, plan approval was issued to **Bellefonte Lime Co., Inc.** (P. O. Box 448, Bellefonte, PA 16823) for the installation of an air cleaning device (a fabric collector) on a lime storage tank (Flow Aid tank) at the Bellefonte Plant in Spring Township, **Centre County**.

49-313-035J. On July 25, 1996, plan approval was issued to **Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) for the modification of, and installation of an air cleaning device (an existing thermal fume incinerator) on, a chemical process facility in Riverside Borough, **Northumberland County**.

49-318-022A. On July 31, 1996, plan approval was issued to **Jeraco Enterprises, Inc.** (135 Sodom Road, Milton, PA 17847) for the modification of a fiberglass reinforced plastics manufacturing operation (increase in the amount of volatile organic compound and styrene emissions allowed) in Milton Borough, **Northumberland County**.

49-318-029A. On July 31, 1996, plan approval was issued to **Jeraco Enterprises, Inc.** (135 Sodom Road, Milton, PA 17847) for the modification of a fiberglass automotive accessory surface coating operation (increase in the amount of volatile organic compound emissions allowed) in Milton Borough, **Northumberland County**.

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

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

14-303-003B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (t/d/b/a HRI, Inc.) (P. O. Box 155, State College, PA 16804-0155) for the operation of a batch asphalt plant and associated air cleaning device (a fabric collector) which was previously owned and operated by HRI, Inc. at the Curtin Gap Quarry in Marion Township, **Centre County**.

14-303-006B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (t/d/b/a HRI, Inc.) (P. O. Box 155, State College, PA 16804-0155) for the operation of a batch asphalt plant and associated air cleaning device (a fabric collector) which was previously owned and operated by HRI, Inc. at the Curtin Gap Quarry in Marion Township, **Centre County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

14-310-011B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) at the Curtin Gap Quarry in Marion Township, **Centre County**. Some of the equipment incorporated in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

14-303-002. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (t/d/b/a HRI, Inc.) (P. O. Box 155, State College, PA 16804-0155) for the operation of a batch asphalt plant and associated air cleaning device (a venturi scrubber) previously owned and operated by HRI, Inc. at the Oak Hall Quarry in College Township, **Centre County**.

14-310-018. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of stone crushing, screening, and the like equipment and associated air cleaning devices (two fabric collectors and a water spray dust suppression system) previously owned and operated by HRI, Inc. at the Oak Hall Quarry in College Township, **Centre County**. Some of the equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

18-310-002B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of stone crushing, screening, and the like equipment and associated air cleaning devices (five fabric collectors) previously owned and operated by HRI, Inc. at the Salona Quarry in Lamar Township, **Clinton County**. Some of the equipment in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

19-304-005B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a batch asphalt plant and associated air cleaning device (a fabric collector) previously owned and operated by HRI, Inc. in Mifflin Township, **Columbia County**.

19-303-004B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a batch asphalt plant and associated air cleaning device (a fabric collector) previously owned and operated by HRI, Inc. at the Bloomsburg Quarry in Hemlock Township, **Columbia County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

19-310-002B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) previously owned and operated by HRI, Inc. at the Bloomsburg Quarry in Hemlock Township, **Columbia County**.

19-310-004C. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning devices (three fabric collectors and a water spray dust suppression system) previously owned and operated by HRI, Inc. at the Maudale Quarry in Montour Township, **Columbia County**. One of the pieces of equipment incorporated in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

41-310-003G. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning devices (four fabric collectors and a water spray dust suppression system) previously owned and operated by HRI, Inc. at the Lime Bluff Quarry in Muncy Creek Township, **Lycoming County**. Some of the equipment incorporated in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

41-303-002. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a pulverized coal-fired asphalt plant and associated air cleaning device (a venturi scrubber) previously owned and operated by HRI, Inc. in the City of Williamsport, **Lycoming County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

41-309-003. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of an agricultural limestone pulverizing system and associated air cleaning device (a fabric collector) previously owned and operated by HRI, Inc. at the Pine Creek Quarry in Limestone Township, **Lycoming County**.

41-310-001E. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning devices (five fabric collectors) previously owned and operated by HRI, Inc. at the Pine Creek Quarry in Limestone Township, **Lycoming County**. Some of the equipment incorporated in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

47-310-001B. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning devices (two fabric collectors and a water spray dust suppression system) previously owned and operated by HRI, Inc. at the Milton Quarry in Limestone Township, **Montour County**. One of the pieces of equipment incorporated in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

59-310-004H. The Department intends to issue an operating permit to **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231) for the operation of a stone crushing plant and associated air cleaning device (a water spray dust suppression system) previously owned and

operated by HRI, Inc. at the Blossburg Quarry in Liberty Township, **Tioga County**. Some of the equipment in this plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

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

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

63-310-004. On July 22, 1996, a plan approval expiration date was extended to January 1, 1998 for **Davison Sand & Gravel Company**, (400 Industrial Boulevard, New Kensington, PA 15068) for a wet dust suppression system on the stone crushing plant at its Cherry Valley Site located in Smith Township, **Washington County**.

65-310-013A. On July 22, 1996, a plan approval was issued to **Davison Sand & Gravel Company**, (400 Industrial Boulevard, New Kensington, PA 15068) for a baghouse and wet dust suppression system at its Whitney Quarry in Unity Township, **Westmoreland County**.

04-307-112. On July 22, 1996, a plan approval was issued to **Koppel Steel Corporation** (P. O. Box 750, Beaver Falls, PA 15010) for a 7 1/2" Upsetter Furnace at the Ambridge Plant in Harmony Township, **Beaver County**.

30-305-019. On July 18, 1996, a plan approval was issued to **Consolidation Coal Company**, (1800 Washington Road, Pittsburgh, PA 15241) for a coal preparation plant at its Robena Preparation Plant facility located in Greensboro Borough, **Greene County**.

PA-63-028A. On August 2, 1996, a plan approval was issued to **Cerdec Corporation**, (P. O. Box 519, Washington, PA 15301) for a torit collector and a venturi scrubber at its Drakenfeld Products facility located in Canton Township, **Washington County**.

PA-65-621A. On August 2, 1996, a plan approval was issued to **Kennametal Inc.**, (P. O. Box 231, Latrobe, PA 15650) for a baghouse at its Kingston Plant facility located in Derry Township, **Westmoreland County**.

32-399-022. On August 2, 1996, a plan approval was issued to **CNG Producing Company**, (303 Airport Professional Center, Indiana, PA 15701) for an engine and gas dehydrator at its Nesbitt Compressor facility located in North Mahoning Township, **Indiana County**.

63-309-058. On July 29, 1996, a plan approval was issued to **Therm-O-Rock East, Inc.**, (P. O. Box 429, New Eagle, PA 15067) for a baghouse on the blending and bagging operation at plant no. 2 in New Eagle Borough, **Washington County**.

11-307-030A. On July 29, 1996, a plan approval was issued to **Johnstown America Corporation**, (17 Johns Street, Johnstown, PA 15907) for a shot blast at its Franklin Plant in Franklin Borough, in **Cambria County**.

63-308-004A. On July 22, 1996, a plan approval was issued to **Molycorp, Inc.**, (300 Caldwell Avenue, Washington, PA 15301) for an aluminothermic reduction process at its Washington Plant in Canton Township, **Washington County**.

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

06-1016A. On August 1, 1996, the Department issued a plan approval to **Grafika Commercial Printing, Inc.** (P. O. Box 1714, Reading, PA 19603) for the construction of an offset printing press with a drying oven at their Sinking Spring Plant in Sinking Spring, **Berks County**.

06-304-025C. On July 29, 1996, the Department issued a plan approval to **EAFCO, Inc.** (P. O. Box 388, Boyertown, PA 19512) for the construction of a sand storage silo with a fabric collector at their Eastern Foundry in Boyertown, **Berks County**.

06-323-018. On August 1, 1996, the Department issued a plan approval to **Royal Green Corporation** (P. O. Box 9, Temple, PA 19560) for the installation of a ferrous metal shredder with a fabric collector at their Temple Plant in Ontelaunee Township, **Berks County**.

21-310-031. On July 30, 1996, the Department issued a plan approval to **Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) for the construction of a limestone crushing plant at their Shippensburg Quarry in Southampton Township, **Cumberland County**. The source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

67-310-004D. On July 31, 1996, the Department issued a plan approval to **Thomasville Stone & Lime Company** (P. O. Box 23, Thomasville, PA 17364) for the modification of a limestone crushing/grinding operation in Jackson Township, **York County**.

67-302-136. On August 13, 1996, the Department issued a plan approval to **PECO Energy Company** (Road No. 1, Box 208, Delta, PA 17314-9739) for the modification of two auxiliary boilers at their Peach Bottom Atomic Power Station in Peach Bottom Township, **York County**.

67-320-027A. On August 13, 1996, the Department issued a plan approval to **Flexi-Tech Graphics, Inc.** (215 North Zarfoss Drive, York, PA 17404) for the construction of a printing facility in Penn Township, **York County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

42-302-028. On August 13, 1996, a plan approval was issued to **Kane Handle Co., Div. Ames Co.** (Box 760, Biddle St., Kane, PA 17635) for a wood fired boiler at Kane, **McKean County**.

33-318-006. On August 13, 1996, a plan approval was issued to **Trail King Ind. Inc., Ti-Brook Div.** (P. O. Box 300, Brookville, PA 15825) for a paint booth at Brookville, **Jefferson County**.

37-309-051. On August 13, 1996, a plan approval was issued to **Medusa-Crescent, Inc.** (2001 Portland Park, Wampum, PA 16157) for ductwork at Wampum Borough, **Lawrence County**.

43-302-019. On August 13, 1996, a plan approval was issued to **International Timber & Veneer** (Jackson Commerce Parker, Mercer, PA 16137) for a wood fired boiler at Jackson Township, **Mercer County**. This source is subject to Federal New Source Performance Standard 40 CFR Part 60, Subpart Dc.

20-313-020. On August 13, 1996, a plan approval was issued to **Lord Corporation** (P. O. Box 556, Saegertown, PA 16433) for a reactor and hold tank at Saegertown, **Crawford County**.

42-302-028. On August 13, 1996, a plan approval was issued to **Kane Handle Co., Div. Ames Co.** (Box 760, Biddle St., Kane, PA 17635) for a wood fired boiler at Kane, **McKean County**.

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

59-304-008. On July 1, 1996, plan approval was issued to **Ward Mfg., Inc., ACP Division** (P. O. Box 9, Blossburg, PA 16912) for the construction of an iron foundry and associated air cleaning devices (fabric collectors) in Lawrence Township, **Tioga County**.

14-399-013C. On July 3, 1996, plan approval was issued to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the construction of an automatic nickel/tin plating line (#5) and associated air cleaning device (a fume scrubber) in Ferguson Township, **Centre County**.

OP-49-0010A. On July 9, 1996, plan approval was issued to **American Home Foods** (Marr Street, Milton, PA 17847) for the construction of a natural gas/No. 2 oil fired boiler in Milton Borough, **Northumberland County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

19-302-029. On July 23, 1996, plan approval was issued to **Foam Fabricators Inc.** (7050 New Berwick Highway, Bloomsburg, PA 17815) for the construction of a natural gas fired boiler in South Centre Township, **Columbia County**.

14-309-025D. On July 23, 1996, plan approval was issued to **Bellefonte Lime Co., Inc.** (P. O. Box 448, Bellefonte, PA 16823) for the installation of an air cleaning device (a fabric collector) on a lime storage tank (Flow Aid tank) at the Bellefonte Plant in Spring Township, **Centre County**.

49-313-035J. On July 25, 1996, plan approval was issued to **Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) for the modification of, and installation of an air cleaning device (an existing thermal fume incinerator) on, a chemical process facility in Riverside Borough, **Northumberland County**.

49-318-022A. On July 31, 1996, plan approval was issued to **Jeraco Enterprises, Inc.** (135 Sodom Road, Milton, PA 17847) for the modification of a fiberglass reinforced plastics manufacturing operation (increase in the amount of volatile organic compound and styrene emissions allowed) in Milton Borough, **Northumberland County**.

49-318-029A. On July 31, 1996, plan approval was issued to **Jeraco Enterprises, Inc.** (135 Sodom Road, Milton, PA 17847) for the modification of a fiberglass automotive accessory surface coating operation (increase in the amount of volatile organic compound emissions allowed) in Milton Borough, **Northumberland County**.

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

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

Copies of the following permit application are available for review from 8 a.m. to 4 p.m. in the DEP office, 2 Public Square Office, Wilkes-Barre, PA. A 30-day comment period, from the date of publication, will exist for the submission of comments.

The Department has issued the following RACT Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified company.

39-0024. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Mallinckrodt Chemical Inc.**, 2409 N. Cedar Crest Blvd., Allentown, PA 18104-9733 for the operation of three boilers at the facility located in South Whitehall Township, **Lehigh County**.

40-0010. On July 31, 1996, a modified RACT Air Quality Operating Permit was issued to **Certainteed Corporation**, P. O. Box 128, Crestwood Industrial Park, Mountaintop, PA 18707 for an increase in the production rate of the M-2 Production Line at the facility located in Wright Township, **Luzerne County**.

48-0018. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Harcros Pigments, Inc.**, 1525 Wood Avenue, Easton, PA 18042 for the operation of two boilers, three kilns, three dryers, emergency generator, acid plant preheater, two propane torches, two electrostatic precipitators, three neutralizing tanks, and a neutralizing tank ignition burner for the facility located in the City of Easton, **Northampton County**.

54-0002. On May 31, 1996, a modified RACT Air Quality Operating Permit was issued to **Allied Signal, Inc.**, P. O. Box 697, Pottsville, PA 17901 for a change to a non-Volatile Organic Compound (non-VOC) coating on Barrier Coating Lines 1 and 2 for the facility located in Norwegian Township, **Schuylkill County**.

54-0009. On May 31, 1996, a modified RACT Air Quality Operating Permit was issued to **Gencorp, Inc.**, Hickory Drive, Auburn, PA 17922 for a modification to the potential emissions from embossers #3, #5 and #6 ink mixing room, four calender lines, seven emergency generators, water pump #8 and #9, pump house heater, two coaters, #3 and #4 printer, proof press and storage tanks for the facility located in West Brunswick Township, **Schuylkill County**.

39-0008. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Air Products & Chemicals, Inc.**, 7201 Hamilton Boulevard, Allentown, PA 18195-1501 for the operation of 14 boilers, 22 space heaters, 7 emergency generators, and R&D and spray booth operations at the facility located in Upper Macungie Township, **Lehigh County**.

45-0005. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Connaught Labs, Inc.**, P. O. Box 187, Route 611, Swiftwater, PA 18370 for the operation of three boilers, eight emergency generators and four air heaters at the facility located in Pocono Township, **Monroe County**.

39-0014. On May 31, 1996, a RACT Air Quality Operating Permit was issued to the **Allentown State Hospital**, 1600 Hanover Avenue, Allentown, PA 18103 for the operation of four boilers, and two emergency generators at the facility located in the City of Allentown, **Lehigh County**.

40-0024. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Berwick Industries, Inc.**, Bombay and Ninth Street, Berwick, PA 18603 for the operation of one flexographic press, two gravure presses, two rotopresses, extruder lines and miscellaneous VOC sources at the facility located in Salem Township, **Luzerne County**.

40-0019. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Pope & Talbot, Inc.**, 901

Sathers Drive, Pittston Township, PA 18640 for the flexographic Printing operations at the facility located in Pittston Township, **Luzerne County**.

35-0004. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Pope & Talbot, Inc.**, Main Street, Ransom, PA 18653 for the operation of two boilers, two paper machines, incinerator, felt washing and defoaming operations at the facility located in Ransom Township, **Lackawanna County**.

40-0015A. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Allsteel, Inc.**, 425 Jaycee Drive, Vermont Industrial Park, West Hazleton, PA 18201 for the modification of the equipment cleanup operations at the facility located in Hazle Township, **Luzerne County**.

40-0031. On May 31, 1996, a RACT Air Quality Operating Permit was issued to **Continental Energy Associates, LP**, R. Route Box 381-B, Hazleton, PA 18201 for the operations of a combustion turbine, HRSG/Duct Burner, 16 gasifier vent stacks, gas boiler, and large and small gas heaters at the facility located in Humboldt Industrial Park, Hazle Township, **Luzerne County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Applications Issued

32950107. M. B. Energy, Inc. (P. O. Box 1319, 250 Airport Road, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous strip mine in West Wheatfield Township, **Indiana County**, affecting 149.7 acres, receiving stream unnamed tributary to Blacklick Creek; Blacklick Creek, application received November 29, 1995, permit issued August 8, 1996.

11693000. K & J Coal Company, Inc. (P. O. Box 189, Westover, PA 16692), permit revision to modify the 3075 acre surface mine permit to include the land application of sewage sludge in Chest Township, **Cambria County**, receiving stream Rogues Harbor Run and Rock Run and unnamed tributaries to Chest Creek to west branch of Susquehanna River, application received December 14, 1995, permit issued August 15, 1996.

56840107. Permit renewal, **NSM Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Stonycreek Township, **Somerset County**, affecting 407.4 acres, receiving stream unnamed tributary to Clear Run, Clear Run to Indian Lake, application received June 18, 1996, permit issued August 12, 1996.

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

03910109R. Rosebud Mining Company (R. D. 1, Box 379A, Kittanning, PA 16201). Renewal application issued for continued reclamation of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, affecting 55.0 acres. Receiving streams unnamed tributaries to Roaring Run. Renewal application received July 5, 1996. Renewal permit issued August 8, 1996.

26960101. Patterson Coal Company (R. D. 2, Box 335, Smithfield, PA 15478). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams unnamed tributary to York Run, York Run to the Monongahela River. Application received April 15, 1996. Permit issued August 9, 1996.

65960106. V. P. Smith Company, Inc. (P. O. Box 242, Ligonier, PA 15658). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, affecting 82.6 acres. Receiving streams unnamed tributary to Buffalo Run to Buffalo Run to Sewickley Creek, and unnamed tributary to Stauffer Run to Stauffer Run to Jacobs Creek. Application received March 5, 1996. Permit issued August 13, 1996.

03950110. Rosebud Mining Company (R. D. 1, Box 379A, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Mahoning Township, **Armstrong County**, affecting 82.9 acres. Receiving streams unnamed tributary to Mahoning Creek and Mahoning Creek. Application received December 4, 1995. Permit issued August 14, 1996.

65900107R. FNR Mining Company (950 Stonebraker Road, Indiana, PA 15701-9297). Renewal issued for reclamation only of a bituminous surface/auger mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 103.9 acres. Receiving streams an unnamed tributary to Brush Run. Application received May 29, 1996. Renewal issued August 15, 1996.

30860101R. Charles Balazick (R. D. 1, Jefferson, PA 15344). Renewal issued for reclamation only of a bituminous surface/auger mine located in Jefferson Township, **Greene County**, affecting 225 acres. Receiving streams an unnamed tributary to South Fork of Ten Mile Creek. Application received July 29, 1996. Renewal issued August 15, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

33820142. M. B. Energy, Inc. (250 Airport Rd., P. O. Box 1319, Indiana, PA 15701-1319). Renewal of an existing bituminous strip operation in Porter Township, **Jefferson County** affecting 92.0 acres. Receiving streams unnamed tributary to Hamilton Run. Application received May 23, 1996. Permit issued July 23, 1996.

10930105T. Rosebud Mining Company (R. D. 1, Box 379A, Kittanning, PA 16201). Transfer of an existing bituminous strip and auger operation in Bruin Borough and Parker Township, **Butler County** affecting 289.4 acres. This permit is transferred from T.D.K. Coal Sales, Inc. Receiving streams Bear Creek and unnamed tributaries of south branch Bear Creek. Application received January 31, 1996. Permit issued July 23, 1996.

10900109. Rosebud Mining Company (R. D. 1, Box 379A, Kittanning, PA 16201). Transfer of an existing

bituminous strip and auger operation in Fairview Township, **Butler County** affecting 120.3 acres. This permit is transferred from T.D.K. Coal Sales, Inc. Receiving streams two unnamed tributaries to south branch Bear Creek. Application received April 30, 1996. Permit issued July 23, 1996.

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

49851314R2. K & L Coal Co., (R. R. 1, Box 266, Shamokin, PA 17872), renewal of an existing deep mine operation in Zerbe Township, **Northumberland County** affecting 5.0 acres, receiving stream none. Renewal issued August 12, 1996.

40880101R. Silverbrook Anthracite, Inc., (322 Simpson Street, Dupont, PA 18641), renewal of an existing anthracite surface mine in Newport Township, **Luzerne County** affecting 144.2 acres, receiving stream none. Renewal issued August 14, 1996.

54870206. White Pine Coal Co., Inc., (P. O. Box 59, Ashland, PA 17921), renewal of an existing coal refuse reprocessing operation in Butler, Barry, Eldred, East and West Cameron Townships and Gordon Borough, **Schuylkill and Northumberland Counties** affecting 870.0 acres, receiving stream Mahanoy Creek. Renewal issued August 14, 1996.

54830209R2. South Tamaqua Coal Pockets, Inc., (R. R. 3, Box 14, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing operation in West Penn Township, **Schuylkill County** affecting 37.0 acres, receiving stream Little Schuylkill River. Renewal issued August 16, 1996.

54830207R2. Blaschak Coal Corp., (P. O. Box 12, St. Nicholas, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 280.0 acres, receiving stream Mahanoy Creek. Renewal issued August 16, 1996.

35840203R2. Coalbrook Iron & Metal Co., Inc., (311 Main Street, Childs, PA 18407), renewal of an existing coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 61.5 acres, receiving stream none. Renewal issued August 16, 1996.

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

Noncoal Permits Issued

65900402. Davison Sand & Gravel Company (400 Industrial Boulevard, New Kensington, PA 15068). NPDES renewal issued for a large noncoal surface mine located in Derry Township, **Westmoreland County**. Receiving streams unnamed tributaries to both and including Harbridge Run and Tannery Hollow. NPDES renewal application received June 13, 1995. NPDES renewal issued August 8, 1996.

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

40960301. Cremard Brothers, (1302 South Main Street, Old Forge, PA 18518), commencement, operation and restoration of a quarry operation in Duryea Borough, **Luzerne County** affecting 11.4 acres, receiving stream none. Permit issued August 13, 1996.

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.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

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

E05-233. Encroachment. Wal-Mart Stores, Inc., 701 S. Walton Blvd., Bentonville, AR 72716-8702. To place fill material in 1.2 acres of wetlands in order to construct a food distribution center and associated improvements located just east of Cessna Village (Bedford, PA Quadrangle N: 17.1 inches; W: 2.6 inches) in Bedford Township, **Bedford County**. The applicant is required to provide 1.2 acres of replacement wetlands.

E07-255. Encroachment. Blair County Commissioners, P. O. Box 539, Hollidaysburg, PA 16648. To remove an existing structure and to construct and maintain a single span reinforced concrete box beam bridge having a clear span of 50 feet and an underclearance of 5.42 feet across Clover Creek located on Township Road T-377 about 370 feet west of its intersection with S. R. 2011 (Williamsburg, PA Quadrangle N: 4.3 inches; W: 13.0 inches) in Huston Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E07-259. Encroachment. Allegheny Township Sewer & Water Authority, 3131 Old 6th Ave. Road, North, Duncansville, PA 16635. To construct and maintain a sewage pumping station in the floodplain of Beaverdam Branch of the Juniata River to replace an existing station located about 75 feet east of the Penn Central Railroad tracks and about 350 feet south of the railroad's crossing of Gillians Run (Hollidaysburg, PA Quadrangle N: 10.7 inches; W: 6.6 inches) in Allegheny Township, **Blair County**.

E29-070. Encroachment. **Stephanie R. and Donald H. Clevenger**, R. R. 1, Box 584, McConnellsburg, PA 17233. To remove the existing structure and to construct and maintain three 5-foot diameter RC pipes in Big Cove Creek to provide continued access to the Clevenger's home located just north of McConnellsburg Borough (McConnellsburg, PA Quadrangle N: 11.98 inches; W: 17.13 inches) in Todd Township, **Fulton 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.

E10-232. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To replace the superstructure and to operate and maintain Hilliards No. 1 Bridge (County No. 37) having a clear normal span of 27.5 feet and a maximum underclearance of 7.5 feet across south branch Slippery Rock Creek on Edenboro Road (T-631) approximately 2 miles northwest of the intersection with S. R. 138 (Hilliards, PA Quadrangle N: 6.1 inches; W: 15.8 inches) located in Washington Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E37-108. Encroachment. **Jameson Health Care Foundation**, 1211 Wilmington Avenue, New Castle, PA 16105-2595. To fill a 0.05-acre wetland for the construction of the Jameson Laurel Community Health Center facility along the north side of S. R. 108 approximately 1 mile west of Harlansburg (Harlansburg, PA Quadrangle N: 3.8 inches; W: 10.8 inches) located in Scott Township, **Lawrence County**.

E61-203. Encroachment. **Richard Schiffer**, P. O. Box 389, Franklin, PA 16323. To construct and maintain a 100-foot-long section of 4-foot-diameter plastic pipe stream enclosure in a tributary to French Creek (Monkey Run) connecting existing upstream and downstream 4-foot-wide by 4-foot-high concrete box stream enclosures along S. R. 417 approximately 1,200 feet north of S. R. 322 in the Village of Rocky Grove (Franklin, PA Quadrangle N: 6.0 inches; W: 10.75 inches) located in Sugar Creek Borough, **Venango County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E40-437. Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 13.0-foot by 7.0-foot precast reinforced concrete box culvert, with its invert depressed 1.0 foot below streambed elevation, in a tributary to Black Creek. The project is located on S. R. 3038, Section 3S1, Segment 0010, Offset 0000, approximately 0.1 mile north of S. R. 3018 (Nuremberg, PA Quadrangle N: 19.3 inches; W: 8.0 inches) in Black Creek Township, **Luzerne County**.

E40-438. Encroachment. **Weis Markets, Inc.**, 1000 South Second Street, P. O. Box 471, Sunbury, PA 17801. To place fill in 0.81 acre of wetlands within the Black Creek drainage basin and to construct and maintain a sanitary sewer utility line crossing of wetlands for the purpose of constructing a Weis/Lowe's retail center. The

project is located on Lots 1 and 2 of the Candid Estates Parcel, on the south side of Susquehanna Boulevard (S. R. 0093) (Conyngham, PA Quadrangle N: 16.7 inches; W: 1.0 inch) in West Hazleton Borough and Hazle Township, **Luzerne County**. The permittee is required to provide 0.95 acre of replacement wetlands.

E45-292. Encroachment. **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA 18370-0200. To construct and maintain approximately 120 linear feet of 15-inch S.L.C.P.P. stormwater pipe and 8-inch D.I.P. sewage treatment plant discharge line through 0.13 acre of wetlands and a concrete outfall structure along Clear Run. The project is associated with construction of the proposed Pocono Mountain Elementary and Middle Schools located west of the intersection of S. R. 0611 and Township Road T634 (Tobyhanna, PA Quadrangle N: 5.2 inches; W: 1.3 inches) in Coolbaugh Township, **Monroe County**.

E45-294. Encroachment. **DCNR—State Forest Bureau of Facilities Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a single-span vehicular bridge across Poplar Run, having a normal span of 25.0 feet and an average underclearance of approximately 3.5 feet. The project is located in Delaware State Forest, along Laurel Run Road (also known as State Forest Road No. 5), approximately 0.5 mile upstream from the confluence of Poplar Run and Brodhead Creek (East Stroudsburg, PA Quadrangle N: 21.8 inches; W: 12.9 inches) in Price Township, **Monroe County**.

E52-141. Encroachment. **Delaware Water Gap National Recreation Area**, Bushkill, PA 18324. To remove the existing structures and to construct and maintain two bridges across Dingmans Creek, within the Delaware Water Gap National Recreation Area: (1) a single-span prestressed concrete bridge, having a span of approximately 22.0 meters and an underclearance of 2.0 meters, located at milepost 13.3 on U. S. Route 209, approximately 200 meters south of the intersection of Route 209 and S. R. 0739 (Culvers Gap, NJ-PA Quadrangle N: 17.5 inches; W: 16.6 inches); (2) a single-span prestressed concrete bridge, having a normal span of approximately 13.5 meters and an underclearance of 3.0 meters, located on the Dingmans Falls Access Road, approximately 1.1 kilometers northwest of the intersection of Route 209 and S. R. 0739 (Lake Maskenozha, PA-NJ Quadrangle N: 18.5 inches; W: 1.1 inches) in Delaware Township, **Pike County**.

E54-220. Encroachment. **John S. Mills, Jr. and Catherine M. Bradley**, 249 Meadow Drive, Auburn, PA 17922. To construct and maintain a steel I-beam bridge, having timber decking, across Plum Creek to gain access to private property for general property maintenance purposes. The proposed bridge has a span of approximately 30 feet and an underclearance of approximately 7 feet, and is located approximately 0.5 mile west of the intersection of S. R. 2011 and T-676 (Friedensburg, PA Quadrangle N: 19.1 inches; W: 1.5 inches) in South Manheim Township, **Schuylkill County**.

E58-206. Encroachment. **Bridgewater Township Supervisors**, P. O. Box 297, Montrose, PA 18801. To modify and maintain an existing single-span reinforced concrete T-beam bridge across east branch Wyalusing Creek, with work consisting of widening the structure by approximately 12 feet on the downstream side. The bridge has a span of 22.0 feet and an underclearance of 6.5 feet, and is located on T-726, approximately 0.6 mile north of the intersection of S. R. 0706 and T-726 (Montrose West, PA

Quadrangle N: 15.1 inches; W: 4.6 inches), in Bridgewater Township, **Susquehanna County**.

E58-210. Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain an 18.0-foot by 8.5-foot precast reinforced concrete box culvert, with its invert depressed 1.0 foot below streambed elevation, in Benninger Creek. The project is located on S. R. 3003, Section 5S1, Segment 0010, Offset 402, approximately 0.1 mile north of the intersection of S. R. 3003 and S. R. 3002 (Auburn Center, PA Quadrangle N: 5.9 inches; W: 14.0 inches) in Auburn Township, **Susquehanna County**.

E64-166. Encroachment. **Wal-Mart Stores, Inc.**, 701 South Walton Boulevard, Bentonville, AR 72716-8703. To remove an existing outfall structure and to (1) place fill and/or excavate in 2.01 acres of wetlands, (2) construct and maintain approximately 680 linear feet of channel change in a tributary to Holbert Creek and (3) to construct and maintain three stormwater outfall structures (42-inch, 24-inch and 18-inch) along a tributary to Holbert Creek, for the purpose of constructing a commercial retail store. The project is located along Old Willow Avenue (T-405), east of the intersection T-405 and S. R. 0006 (White Mills, PA Quadrangle N: 10.4 inches; W: 14.4 inches), in Texas Township, **Wayne County**. The permittee is required to provide 2.53 acres of replacement wetlands.

E40-424. Permit denial. Encroachment. **David C. and Dora E. Abod**, R. D. 1, Box 125, Harveys Lake, PA 18618. To modify and maintain an existing dock in Harveys Lake, with work including the removal of three existing pilings and the attached walkways from the eastern side of the dock, extension of the dock to a total length of approximately 130 feet from the shoreline, and the construction of boat slips on the western side of the dock extension. The dock is located at Pole #155, Lakeside Drive (Harveys Lake, PA Quadrangle N: 22.3 inches; W: 6.6 inches) in Harveys Lake Borough, **Luzerne County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.
Permits Issued

E26-219. Encroachment. **Janet Steele**, P. O. Box 218, Fayette City, PA 15438-0218. To remove the existing structure and to construct and maintain a bridge having a clear span of 25 feet and underclearance of 5.3 feet across Lamb Lick Run to provide access to a private home. The project is located just south of SR 4040, approximately 1,000 feet upstream from confluence of Lamb Lick Run with Monongahela River (Fayette City, PA Quadrangle N: 17.9 inches; W: 12.2 inches) in Fayette City Borough, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-262. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To place and maintain fill in 1.35 acres of wetlands, to construct 3.0 acres of replacement wetlands, to remove existing structures and to construct and maintain new structures as listed per Attachment (A) as part of the construction of new S. R. 6219, Section B08. The project begins south of Hunsrick Summit, just south of the Borough of Meyersdale and ends north of Blacks Curve, just north of the Borough of Meyersdale, for an overall project length of 5.1 miles (Meyersdale, PA Quadrangle N: 11.0 inches; W: 5.0 inches) in Summit Township, **Somerset County**.

Attachment A

1. Culvert C2: a 350-foot long, 72-inch RCP enclosure in a tributary to Casselman River on proposed S. R. 6219, Section B08, Station 93+82.

2. Culverts C5A and C5B: two 30-inch × 19-inch oval concrete pipe culverts located on T-824 at station 18+42 and 21+77.88 in a tributary to Casselman River and a 200-foot long overflow channel from the upstream side of culvert C5B to a drainage swale located between culvert C5B and culvert C5A along the right side of T-824 as part of improving T-824.

3. Culvert C3: a 72-inch RCP culvert in a tributary to Casselman River on proposed S. R. 6219, Section B08, Station 198+57 and a temporary stream crossing consisting of three 15-inch RC pipes in said stream for the purpose of constructing proposed culvert.

4. Structure 5: a 0.5-foot depressed with baffles, 506-foot long, 13-foot × 6.5-foot concrete box enclosure with a beveled edge improved inlet in Miller Run on proposed S. R. 6219, Section B08 near station 120+36.

5. Structures 12S and 12N: two three span bridges (southbound and northbound) across Casselman River. Each bridge has a total normal clear span of 325.64 feet. The underclearances are 33.84 feet and 33.59 feet respectively. Both bridges are located on S. R. 6219, Section B08, Station 261+59. This includes the construction of a temporary causeway type stream crossing consisting of ten 60-inch RC pipes in Casselman River approximately 100 feet downstream from the southbound bridge for the purpose of constructing said proposed bridges.

6. Structures 14S and 15N: two single span bridges across Blue Lick Creek. The southbound bridge has a normal span of 134.44 feet and a minimum underclearance of 25.17 feet. The northbound bridge has a normal span of 134.45 feet and a minimum underclearance of 24.88 feet. Both bridges are located on proposed S. R. 6219, Section B08, Station 293+39. This includes the construction and maintenance of a bridge having a normal span of 60 feet and an underclearance of 9.4 feet across Blue Lick Creek approximately 200 feet upstream from the confluence of Blue Lick Creek and Casselman River for the purpose of constructing said proposed structures and providing access to a private property after construction.

7. Structures 11S and 11N: two four span bridges (southbound and northbound) across Ellick Creek. Each bridge has a total normal clear span of 362.27 feet. The underclearances are 50.08 feet and 49.79 feet respectively. Both bridges are located on S. R. 6219, Section B08, Station 232+91.50. This includes the construction of temporary causeway type stream crossing consisting of three 36-inch RC pipes located approximately 140 feet downstream from the northbound bridge.

8. Structure 20: a 0.5-foot depressed with baffles, 116-foot long, 15-foot × 5-foot RC box culvert with a beveled edge improved inlet in Miller Run on S. R. 219, Section B08, station 394+93.37. This includes the construction of a temporary road crossing consisting of two 48-inch thermoplastic pipe culverts.

9. Structures 8S and 8N: two four span bridges across Casselman River. The southbound bridge has a total normal clear span of 427 feet and a minimum underclearance of 37.51 feet. The northbound bridge has a total normal clear span of 482 feet and a minimum underclearance of 38.44 feet. Both bridges are located on S. R. 6219, Section B08, Station 157+27. This includes the construc-

tion of a temporary causeway type stream crossing consisting of eight 42-inch RC pipes in Casselman River for the purpose of constructing said proposed bridges and the relocation of 290 L. F. of Miller Run for the purpose of changing the location of the confluence of Miller Run with Casselman River in order to protect the proposed structures. Work at this site also includes boulder placement for stream improvements to Elklick Creek to mitigate stream loss to Miller Run.

E63-410. Encroachment. **City of Washington**, 55 West Maiden St., Washington, PA 15301. To remove the existing structure (Hanna Street/Lower Prospect Street Bridge) and to construct and maintain a box culvert having a span of 12.0 feet with an underclearance of 5.5 feet (1.0 foot depressed) in Catfish Creek for the purpose of improving Hanna Street. The project is located on Hanna Street, approximately 150 feet south from the intersection of Houston Street and Hanna Street (Washington East, PA Quadrangle N: 7.45 inches; W: 15.8 inches) in the City of Washington, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-631. Encroachment. **Robert G. and Judith Schlemmer, Jr.**, 74 Tanner Street, Export, PA 15632. To construct and maintain a bridge having a clear span of 20 feet and underclearance of 4 feet across an unnamed tributary to Whitehorn Creek located approximately 250 feet east of TR-852 (Davis Road) for the purpose of

constructing an access road to the permittee's property (Saltsburg, PA Quadrangle N: 6.3 inches; W: 13.80 inches) in Salem Township, **Westmoreland County**.

SPECIAL NOTICES

Recycling Grant Awards Under the Municipal Waste Planning, Recycling and Waste Reduction Act

The Department of Environmental Protection hereby announces the following grants to municipalities for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501), are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101
§ 902 Recycling Development and Implementation Grants**

**Department of Environmental Protection
Bureau of Land Recycling and Waste Management**

<i>Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
SOUTHEAST REGION		
1 East Pikeland Township Chester County	Leaf Composting	\$54,000
2 London Grove Township Chester County	Brush Chipper	\$17,905
3 West Grove Borough Chester County	Brush Chipper	\$16,825
4 East Landsdowne Borough Delaware County	Leaf Composting	\$16,245
5 Abington Township Montgomery County	Leaf Composting	\$162,000
6 Lower Gwynedd Township Montgomery County	Leaf Composting	\$161,100
7 Montgomery County	Home Composting	\$21,000
8 New Garden Township Montgomery County	Brush Chipper	\$14,400
TOTALS	8	\$463,475
NORTHEAST REGION		
9 Harvey's Lake Borough Lake Township, Luzerne County	Curbside Recycling	\$55,000
10 Kingston Borough Luzerne County	Leaf Composting	\$23,400
11 Lehigh Township Northampton County	Leaf Collection Equipment	\$22,950

NOTICES

	<i>Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
12	Coaldale Borough Schuylkill County	Curbside Recycling	\$13,597
13	Wayne County	Home Composting	\$5,265
	TOTALS	5	\$120,212
SOUTHCENTRAL REGION			
14	Carroll Valley Borough Adams County	Leaf Collection Equipment	\$95,040
15	West Reading Borough Berks County	Leaf Composting	\$60,750
16	Holidaysburg Borough Blair County	Home Composting	\$27,000
17	Camp Hill Borough Cumberland County	Leaf Composting	\$142,594
18	Hampden Township Cumberland County	Leaf Composting	\$46,500
19	Shippensburg Borough Cumberland County	Recycling Center	\$38,295
20	South Middleton Township Cumberland County	Leaf Composting	\$187,676
21	Wormleysburg Borough Cumberland County	Brush Chipper	\$15,750
22	Londonderry Township Dauphin County	Leaf Composting	\$57,548
23	Bart Township Lancaster County	Brush Chipper	\$25,888
24	Manheim Township Lancaster County	Leaf Composting	\$319,500
25	Manor Township Lancaster County	Leaf Collection Equipment	\$28,882
26	Pequea Township Lancaster County	Brush Chipper	\$34,062
27	Salisbury Township Lancaster County	Brush Chipper	\$76,500
28	Terre Hill Borough Lancaster County	Leaf Collection Equipment	\$2,121
29	West Lampeter Township Lancaster County	Leaf Collection Equipment	\$13,500
30	Liverpool Borough Perry County	Brush Chipper	\$1,052
31	York County	Leaf Composting and Drop-off Recycling	\$386,388
	TOTALS	18	\$1,559,046
NORTHCENTRAL REGION			
32	Bellefonte Borough Centre County	Leaf Collection Equipment	\$17,529
33	Centre County	Curbside Recycling	\$100,456
34	Spring Township Centre County	Leaf Composting	\$21,250
35	Sandy Township Clearfield County	Leaf Collection Equipment	\$25,771
36	Lycoming County	Leaf Composting	\$241,020
	TOTALS	5	\$406,026
SOUTHWEST REGION			
37	Avalon Borough Bellvue Borough Allegheny County	Leaf Collection Equipment	\$47,246

	<i>Applicant</i>	<i>Project Type</i>	<i>Grant Award</i>
38	Carnegie Borough Allegheny County	Brush Chipper	\$18,000
39	Leetsdale Borough Allegheny County	Brush Chipper	\$18,900
40	Oakdale Borough Allegheny County	Leaf Collection Equipment	\$18,724
41	Pitcairn Borough Allegheny County	Brush Chipper	\$4,950
42	South Fayette Township Allegheny County	Leaf Collection Equipment	\$96,621
43	Aliquippa City Beaver County	Leaf Collection Equipment	\$95,416
44	Baden Borough Beaver County	Leaf Collection Equipment	\$79,875
45	Beaver County	Leaf Composting	\$417,990
46	Freedom Borough Beaver County	Leaf Collection Equipment	\$30,792
47	Midland Borough Beaver County	Leaf Collection Equipment	\$26,392
48	Stoneycreek Township Cambria County	Leaf Composting	\$75,150
49	West Wheatfield Township Indiana County	Brush Chipper	\$14,400
50	Somerset County	Office/Drop-off Recycling Program	\$5,113
	TOTALS	14	\$949,569
NORTHWEST REGION			
51	Lawrence Park Township Erie County	Leaf Collection and Composting Equipment	\$59,811
	TOTALS	1	\$59,811
	GRAND TOTALS	51	\$3,558,139

Submission Date for Recycling Program Development and Implementation Grants Under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101)

The Department of Environmental Protection hereby announces a request for applications from municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904).

Municipalities eligible for the grants include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. Authorities are not eligible to apply for the grants, but may be sponsored by a county or municipality.

This solicitation is not for projects to be considered under the public/private partnership grant program.

The following categories of recycling projects will be given funding priority in the order they are listed. Intergovernmental cooperative recycling projects within any category will receive higher priority.

1. Projects implemented by a municipality, mandated by Act 101 to have a curbside recycling program, that establish or maintain compliance with the recycling requirements of the Act including:

a) semi-annual public information and education programs *required* under Act 101 Section 1501(d) concerning

recycling program features and requirements for the residential, commercial, institutional and municipal sectors; and,

b) programs for the collection of recyclables and leaf waste from residential, and/or commercial, institutional and municipal establishments.

2. Implementation of a curbside or drop-off recycling program by a nonmandated municipality.

3. Replacement equipment for the collection or processing of recyclables or leaf and yard wastes.

4. Leaf or yard waste collection and composting projects.

5. Expansion of existing public sector recycling collection centers or materials processing facilities.

6. General recycling education projects.

7. New public sector recycling collection centers or materials processing facilities.

Municipalities and counties are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501), are eligible to receive funding for an additional 10% of approved costs.

Eligible recycling program development costs include: recycling program design costs; recycling market investi-

gations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts or procuring equipment and services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: vehicles used to collect or transport recyclable materials to processing or storage facilities, or in the operation of a materials recovery facility, or in the transport of recyclable materials to market; reusable containers for household recyclable materials storage and collection; the cost of acquisition and/or renovation of buildings for the processing or storage of recyclable materials; equipment used for the processing of recyclable materials; and land improvements for a recycling facility. Yard waste composting programs as defined by the Pennsylvania Municipal Waste Management Regulations, Chapter 75, will be considered as recycling programs.

Before a municipality can submit an application to the Department for the funding of mechanical processing equipment, it must first publish a notice in a newspaper of general circulation describing in detail the kinds of processing equipment that it proposes to purchase and the intended use of the equipment. The municipality must allow 30 days for responses from interested individuals. When the municipality submits the recycling

grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Applications must be received or postmarked by 3 p.m. November 21, 1996. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate DEP Regional Office. All grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Those municipalities wishing to file an application are invited to contact the appropriate DEP Regional Planning and Recycling Coordinator listed as follows to obtain a grant application. Pre-application conferences are recommended. Applicants should also contact the County Recycling Coordinator serving their county for consultation and assistance in completing the application form. Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Regional Planning and Recycling Coordinators

<p><i>Southeast Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management Lee Park, Suite 6010, 555 North Lane Conshohocken, PA 19428</p>	<p>Calvin Lignons Ann Ryan (610) 832-6212</p>
<p><i>Bucks, Chester, Delaware, Montgomery and Philadelphia Counties</i></p>	
<p><i>Northeast Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 2 Public Square Wilkes-Barre, PA 18711-0790</p>	<p>Chris Fritz Joan Banyas (717) 826-2516</p>
<p><i>Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties</i></p>	
<p><i>Southcentral Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 1 Ararat Boulevard Harrisburg, PA 17110</p>	<p>Belinda May (717) 657-4588</p>
<p><i>Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties</i></p>	
<p><i>Northcentral Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 208 W. 3rd Street, Suite 101, Williamsport, PA 17701</p>	<p>Ron Sommers (717) 327-3653</p>
<p><i>Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties</i></p>	
<p><i>Southwest Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 400 Waterfront Drive Pittsburgh, PA 15222-4745</p>	<p>Sharon Svitek Stephen Sales Bob Emmert (412) 442-4000</p>

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties Northwest Region Guy McUmbert

DEP, Bureau of Land Recycling and Waste Management
230 Chestnut Street
Meadville, PA 16335-3481

(814) 332-6848

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

[Pa.B. Doc. No. 96-1436. Filed for public inspection August 30, 1996, 9:00 a.m.]

Low-Level Waste Advisory Committee; Meeting Cancellation

The Low-Level Waste Advisory Committee (LLWAC) meeting scheduled for September 12, 1996, has been canceled. The decision to cancel the meeting was made after consultation with the LLWAC Chairperson, Leonard Hess.

The next meeting of the LLWAC has been scheduled for December 12, 1996.

Questions concerning the LLWAC meetings should be addressed to Rich Janati at 1 (800) 232-2786 or e-mail at Janati Rich@1.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1437. Filed for public inspection August 30, 1996, 9:00 a.m.]

Oil and Gas Technical Advisory Board; Meeting Notice

The Oil and Gas Technical Advisory Board will meet on September 17, 1996, at 10 a.m. in the 5th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

Questions concerning the agenda can be directed to James Erb at (717) 772-2199 or e-mail at Erb.James@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 James Erb or Joyce Williams directly at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1438. Filed for public inspection August 30, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Plan Required by Section 1932 of the ADAMHA Reorganization Act of 1992

The Office of Drug and Alcohol Programs of the Department of Health is making available for public review and comment, under section 1941 of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992, 42 U.S.C.A. § 290aa *et seq.* the Department's draft Plan required by section 1932 of the

act. Comments will be considered in development of the Department's final Plan that will be part of the Commonwealth's application for Substance Abuse Prevention and Treatment Block Grant funding for the 1996-1997 Federal fiscal year.

The draft Plan includes provisions for complying with the funding agreements set out in the act, which are prerequisites for receiving block grant funds, and a description of the manner in which the Department intends to expend the grant.

The grant amount will total approximately \$50 million for the period of October 1, 1996, to September 30, 1997.

Persons wishing to submit written comments on the Department's draft Plan must do so within 30 days of the date of publication of this notice.

A copy of the Department's Plan is available from, and comments should be addressed to: C. Thomas Brown, Office of Drug and Alcohol Programs, Department of Health, Room 932, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 783-8200.

Persons with a disability may submit inquiries to the Office of Drug and Alcohol Programs in alternative formats, such as by audio tape, braille, or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, an audio tape, braille), may contact the Office of Drug and Alcohol Programs so that it can make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1440. Filed for public inspection August 30, 1996, 9:00 a.m.]

Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-94-A-2253-B: Holy Redeemer Health System, 727 Welsh Road, Huntingdon Valley, PA 19006, proposes the addition of 15 beds to its existing hospital based skilled nursing unit at an estimated cost of \$400,000.

CON-95-F-2582-B: LeMed Ophthalmology, 27 Sandy Lane, Lewistown, PA 17044. Establish a single specialty ambulatory surgical facility for ophthalmology in Reedsville, PA, at an estimated cost of \$1,275,500.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning August 31, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Holy Redeemer public meeting will begin at 11 a.m., and LeMed Ophthalmology will begin at 1 p.m., Tuesday, October 1, 1996. Persons who need an accommodation due to a disability and want to attend a meeting, should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1441. Filed for public inspection August 30, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Change in Payment Method for Certain Out-of-State Hospitals

The purpose of this announcement is to provide advance public notice as required by 42 CFR 447.205 of the Department's intent to change the payment method for inpatient hospital services in certain out-of-State hospitals.

The Department is making this change to promote access to medical care for Pennsylvania's Medical Assistance recipients under 21 years of age. The Department is committed to meeting the needs of Pennsylvania's most vulnerable citizens, including children, and this change in payment method will result in the enhanced health and well-being of children in the Commonwealth.

This change will affect hospitals which meet all of the following criteria:

- 1) The hospital must be located in a state contiguous to Pennsylvania.
- 2) The hospital must be licensed as a hospital in the state in which it is located.
- 3) The hospital must be enrolled as a provider in the Medicaid program in the state in which it is located.
- 4) The hospital must be enrolled as a provider type 11 in Pennsylvania's Medical Assistance Program.
- 5) The hospital must be routinely used as a provider of care by Pennsylvania Medical Assistance recipients in a particular locality.

6) For Fiscal Years 1992-93, 1993-94 and 1994-95, the hospital must meet the following conditions:

a) The hospital must have at least 100 inpatient admissions of Pennsylvania Medical Assistance recipients.

b) A minimum of 95% of the total inpatient admissions of Pennsylvania Medical Assistance recipients must be recipients under 21 years of age.

In addition to existing state plan amendment provisions for out-of-state hospitals, hospitals qualifying under these criteria will be treated as in-state hospitals for payment purposes.

Fiscal Impact

Commonwealth

It is anticipated that an increase of \$0.498 million (\$.0235 million in State funds) in inpatient expenditures will occur for Fiscal Year 1996-97 as a result of treating qualifying out-of-state hospitals as in-state hospitals. For Fiscal Year 1997-98, the annualized cost is estimated at \$0.680 million (\$0.321 million in State funds).

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These 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.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-128. (1) General Fund; (2) Implementing Year 1996-97 is \$235,000; (3) 1st Succeeding Year 1997-98 is \$321,000; 2nd Succeeding Year 1998-99 is \$337,000; 3rd Succeeding Year 1999-00 is \$354,000; 4th Succeeding Year 2000-01 is \$372,000; 5th Succeeding Year 2001-02 is \$391,000; (4) FY 1994-95 \$550,452,000; FY 1993-94 \$681,793,000; FY 1992-93 \$540,078,000; (7) Medical Assistance-Inpatient; (8) recommends adoption. This announcement notifies the public that the Department of Public Welfare intends to treat certain out-of-State hospitals as in-state hospitals for inpatient Medical Assistance payment purposes. The cost figure above for 1996-97 is being included in the Budget process.

[Pa.B. Doc. No. 96-1442. Filed for public inspection August 30, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located along S.R. 453, 550 feet east of the bridge crossing The Little Juniata River in Snyder Township, Blair County.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1443. Filed for public inspection August 30, 1996, 9:00 a.m.]

Retention of Engineering Firms

Lancaster County Reference No. 08430AG2010

The Department of Transportation will retain an engineering firm to perform preliminary engineering, final design and construction consultation services for approach roadway reconstruction and bridge replacement for S. R. 1035, Section 002, Brunnerville Road Bridge over Hammer Creek, Warwick and Elizabeth Townships, Lancaster County. The estimated construction cost is \$664 thousand.

The required services will include preparation of Intent to Enter notices; field surveys; preparation of Cultural Resources including HAER documentation, Determination of Eligibility report, Criteria of Effect report, and Phase 1 Archaeology Survey, preparation of a Categorical Exclusion Evaluation, plotting of topography and cross sections; drainage design, submission of utility verification and relocation engineering; field view; safety review and Step 9 submissions; Hydraulic Report including Wetland Identification and Delineation report, Environmental Assessment form and the application checklist for Water Obstruction and Encroachment Permit; type, size and location submission; BRADD-2 input sheets and structure plans; line and grade submissions; right-of-way plans; traffic control plan with special provisions; development of the Soil and Foundation Engineering report; erosion control plans and narrative; investigation of utility and property involvement; and construction plans, specifications and estimates.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 10% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised project.

Technical questions concerning the requirements for this project should be directed to Mark A. Malhenzie, District 8-0, at (717) 783-5080.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days

of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit more than one Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the sub-

consultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever

is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1444. Filed for public inspection August 30, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Quehanna-Covington-Karthus Area Authority and Covington Township v. DEP and Sandy Creek Forest Lot Owners; EHB Doc. No. 94-092-MR

The Quehanna-Covington-Karthus Area Authority having withdrawn its appeal, the remaining parties have agreed to a settlement, the major provisions of which provide in substance:

1. Covington Township is a municipality in Clearfield County organized and existing under the laws of the Commonwealth of Pennsylvania.
2. Sandy Creek Forest is a 99 lot subdivision, each lot being in excess of 10 acres, located in Covington Township, Clearfield County, PA, and created by Sandy Creek Forest, Inc. with the subdivision plan filed in the Clearfield County Recorder of Deeds Office on October 6, 1982, in Miscellaneous Book 155, page 106, Square SQ.
3. All citations in this document to the Sewage Facilities Act and the *Pennsylvania Code* refer to the Sewage Facilities Act and the regulations as they existed prior to the Sewage Facilities Act's amendment by Act No. 1994-149.
4. By agreement of the parties, the terms and conditions of this Consent Adjudication applicable to the Sandy Creek Forest Lot Owners shall also apply to Marvin Steward, owner of Lot No. 1, of the Sandy Creek Forest Subdivision.
5. The Department will review the information previously submitted to it by the Sandy Creek Forest Lot Owners and determine within 90 days from the time this Consent Adjudication is approved by the Environmental Hearing Board if that information satisfies the requirements of section 7(b)(5)(i) of the Sewage Facilities Act (35 P. S. § 750.7(b)(5)(i)).
6. The Department will inform each Sandy Creek Forest Lot Owner within 90 days from the time this Consent Adjudication is approved by the Environmental

Hearing Board if their lot, or lots, satisfies the requirements of section 7(b)(5)(i) of the Sewage Facilities Act (35 P. S. § 750.7(b)(5)(i)).

7. For each lot that satisfies the requirements of section 7(b)(5)(i) of the Sewage Facilities Act (35 P. S. § 750.7(b)(5)(i)), each Sandy Creek Forest Lot Owner agrees that the exception provided under section 7(b)(5)(i) of the Sewage Facilities Act (35 P. S. § 750.7(b)(5)(i)) shall not be effective until December 31, 1995. The Sandy Creek Forest Lot Owners agree that they will not apply for a permit under the exception granted by § 7(b)(5)(i) of the Sewage Facilities Act (35 P. S. § 750.7(b)(5)(i)), until December 31, 1995, or until they receive notification from the Department under paragraph above whichever date is later. Covington Township agrees that each Sandy Creek Forest Lot Owner shall be entitled to apply for a permit on and after January 1, 1996.

8. Each Sandy Creek Forest Lot Owner agrees that as part of their permit application they shall demonstrate that there is an adequate source of power to insure the proper operation of the proposed sewage disposal system. Further, upon installation of the sewage disposal system, each Sandy Creek Forest Lot Owner shall include in the installation all components necessary to supply adequate power for operation of the sewage disposal system. A properly sized portable electrical generator will be considered an adequate power source for operation of the sewage disposal system.

9. Upon installation of a sewage disposal system, each Sandy Creek Forest Lot Owner shall, on an annual basis, have the system inspected and the septic tank shall be pumped on an "as needed" basis, as determined by the annual inspection.

10. Covington Township shall review and approve, as appropriate, the proposed design for each sewage disposal system proposed to be installed under this Consent Adjudication. If all applicable regulations, statutory requirements, and the requirements of Paragraphs f, g and k hereof have been complied with by the respective Sandy Creek Forest Lot Owner, the Township will approve the proposed sewage disposal system.

11. Each Sandy Creek Forest Lot Owner shall pay \$50 to Covington Township on an annual basis. Said monies shall be held in escrow for the purpose of financing operation and maintenance inspections in the Sandy Creek Forest subdivision. The annual payment shall be made for a period not to exceed 3 years, or until Covington Township enacts an operation and maintenance ordinance, whichever occurs first.

12. Covington Township shall enact an operation and maintenance ordinance, governing the periodic inspection and proper maintenance (including the pumping of septic tanks) of all sewage disposal systems located within the Township, within 2 years of the effective date of this Consent Adjudication.

Copies of the full Consent Adjudication are in the possession of:

Jeffrey W. Stover, Esquire, Novak, Stover & McCarty, 122 East High Street, P. O. Box 209, Bellefonte, PA 16823, (814) 355-8235;

Charles E. Gutshall, Esquire, Rhoads & Sinon, Dauphin Bank Building, Twelfth Floor, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146, (717) 233-5731;

Nels J. Taber, Esquire, Regional Counsel, Department of Environmental Protection, Northcentral Region Office

of Chief Counsel, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 321-6568;

and the Environmental Hearing Board at its office, and it may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Appeals must be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1445. Filed for public inspection August 30, 1996, 9:00 a.m.]

Seaboard Surety Company and Consolidation Coal Company v. DEP; Doc. No. 96-055-R

At all times material to this matter the Plum Creek Mining Company (Plum Creek) operated an underground bituminous coal mine with surface effects in Penn Hills Township, Allegheny County, under Coal Mining Activity Permit No. 02931301 (Newfield Mine). The surface and mineral rights at the Newfield Mine are owned by Consolidation Coal Company (Consol). Seaboard Surety Company (Seaboard) issued surety bonds in the amount of \$288,000 on behalf of Plum Creek for Plum Creek's mining activities at the Newfield Mine. On February 16, 1996, the Department declared the surety bonds issued by Seaboard for the Newfield Mine forfeit, because Plum Creek failed to conduct required water monitoring at the Newfield Mine, and failed to comply with the reclamation obligations set forth in Compliance Order No. 951125 which was issued on August 9, 1995. On March 6, 1996, Seaboard and Consol appealed the bond forfeiture to the Environmental Hearing Board, which appeal was docketed at EHB Docket No. 96-055-R.

The parties have agreed to a settlement of the above-captioned appeal, the major provisions of which include:

1. Seaboard's and Consol's appeal at EHB Docket No. 96-055-R is discontinued with prejudice.

2. Consol has submitted to the Department a plan to reclaim and close the Newfield Mine, which plan the Department has approved.

3. Upon Consol's completion of the reclamation of the Newfield Mine in accordance with the approved reclamation plan, the Department shall be deemed to have waived collection of the bonds issued by Seaboard for the Newfield Mine. This waiver of collection shall occur in stages, roughly corresponding to the standards and schedules for bond release found in 25 Pa. Code §§ 86.174 and 86.175.

Copies of the full agreement are in the possession of:

Steven Lachman, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Thomas C. Reed, Esquire, Attorney for Consol and Seaboard, Buchanan Ingersoll, P.C., One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, PA 15219-1410, (412) 562-1694;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1446. Filed for public inspection August 30, 1996, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Action on Rulemaking Petition

At the August 20, 1996, meeting of the Environmental Quality Board (EQB), the EQB took action on a rulemaking petition under 25 Pa. Code Chapter 23 (EQB Policy for Processing Petitions).

The petition was submitted by Waste Management East, Inc., on December 13, 1995, and was accepted by the EQB for study in April 1996. The petition requested amendment or repeal of § 279.202(a)(5) of the Department of Environmental Protection's (DEP) regulations to provide for more flexibility in selecting sites for municipal waste transfer facilities.

The EQB denied the petitioner's request to repeal the regulation and denied the petitioner's request that the regulation be amended to eliminate the property line buffer zone in areas zoned industrial or where actual uses are industrial.

The DEP plans to address the petitioner's proposal to amend the regulation to allow a written waiver from the setback distance from the adjacent property owner. This amendment will be combined with several other municipal waste amendments identified through the Department's Regulatory Basics Initiative in a future rulemaking which is anticipated for EQB consideration in December 1997. The amendment will be reviewed by the Solid Waste Advisory Committee in September 1997. If the EQB concurs with the proposed rulemaking, an opportunity for public comment will follow.

Copies of the petition are available from the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, phone (717) 787-4526, or e-mail at Freeman.Sharon@1.dep.state.pa.us.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 96-1447. Filed for public inspection August 30, 1996, 9:00 a.m.]

FISH AND BOAT COMMISSION

Amendments Affecting the 1996 B.A.S.S. National Federation Eastern Divisional Championship Tournament

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 temporarily modify 58 Pa. Code § 63.40 (seasons for fishing tournaments) to cover fishing activities in connection with the 1996 B.A.S.S. National Federation Eastern Divisional Championship Tournament to be held on Raystown Lake during the period September 18—20, 1996. Although the Commission voted to amend 58 Pa. Code § 63.40 at its July 1996 meeting, these amendments will not go into effect until January 1, 1997. Because the new regulation will not go into effect until January 1, 1997, the tournament sponsors have requested that 58 Pa. Code § 63.40 be temporarily modified by applying certain of these new regulations (already approved by the Commission) to this event.

The 1996 B.A.S.S. National Federation Eastern Divisional Championship Tournament was planned well in advance, and the tournament sponsors reasonably believed that the amendments to 58 Pa. Code § 63.40 would be in effect by the date of the tournament. The Commission's Bureau of Fisheries and the Bureau of Law Enforcement have reviewed this request and have determined that permitting the sponsors to follow the new regulations will have no substantial adverse impacts on the protection and management of fish. The rules of this tournament penalize the return of any dead or distressed bass to the water. The tournament has a daily limit of five bass, which is at least one fish less than the Statewide creel limit. The tournament requires use of recirculating or aerated temperature-controlled livewells, and the sponsors distribute to all contestants instructions on the proper maintenance and use of livewells. The tournament limits the fishing hours to no more than 9 hours per day. Accordingly, the 1996 B.A.S.S. National Federation Eastern Divisional Championship at Raystown Lake on September 18—20, 1996 meets all the conditions that would allow them to qualify for use of the following fishing practice:

One or more uninjured largemouth bass, smallmouth bass or spotted bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit.

The Fish and Boat Commission invites interested persons to submit comments, suggestions and objections with regard to the proposed special permit allowing the 1996 B.A.S.S. National Federation Eastern Divisional Champi-

onship to follow the fishing practice set forth above. All comments must be received by no later than September 10, 1996.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 96-1448. Filed for public inspection August 30, 1996, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Notice

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday, September 4, 1996, Education Committee, 10 a.m.; Data Systems Review Committee, 2 p.m. The committee meetings will be held in the Council's conference room at 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council Meeting will be held on Thursday, September 5, 1996, 10 a.m. at the Pennsylvania Medical Society, 777 East Park Drive, Harrisburg, PA 17105. The meetings are open to the public. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 96-1449. Filed for public inspection August 30, 1996, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed at the Historic Preservation Board Meeting

Historic Resources of the National Road in Pennsylvania:

1. Josiah Frost House, U. S. Route 40 west of LR 26154, Menallen Township, Fayette County.
2. Beallsville Historic District, approximately from east Oak Alley to West Alley and from Sunset Drive to south of Sargent Alley, Beallsville, Washington County.
3. Centerville Historic District, U. S. Route 40, Old National Pike, Centerville, Washington County.
4. Scenery Hill Historic District, U. S. Route 40, Old National Pike, North Bethlehem Township, Washington County.

Others:

5. Lehner Grain-and-Cider Mill and House, 548 and 560 Penn Street, Verona, Allegheny County.
6. Beaver Historic District, roughly bounded by the C & P Railroad tracks, Fair Avenue, Fifth Street, Third Street, and Sassafra Lane, Beaver, Beaver County.
7. Matthew Hair Farm, 1 mile north of Boswell off T-747, Jenner Township, Somerset County.

8. Boston Store, 716-718 State Street, Erie, Erie County.

9. Villa Maria Academy, 819 West 8th Street, Erie, Erie County.

10. Wendell August Forge, 620 Madison Street, Grove City, Mercer County.

11. Jonas J. Pierce House, 18 East Shenango Street, Sharpesville, Mercer County.

12. Livingood/Stryker Hospital, 417-419 Walnut Street, Reading, Berks County.

13. Fairville Historic District, Kennett Pike (Rt. 52) between Fairville Road and Hickory Hill Road, Pennsbury Township, Chester County.

14. Greenwood Farm, 888 West Valley Road, Tredyffrin Township, Chester County.

15. Stonehaven, 484 Lenni Road at intersection of New Road, Chester Heights, Delaware County.

16. Reyer, Peter and Catherine, Farmhouse, Trout Run Road west of Reading Road, Ephrata Township, Lancaster Co.

17. St. Joseph's House for Homeless Industrious Boys, 1511 and 1515-1527 Allegheny Avenue, Philadelphia.

18. Terminal Commerce Building, 401 North Broad Street, Philadelphia.

19. Clear Spring Mill, west corner of Capitol Hill and Clear Spring Road, Franklin Township, York County.

20. Andalusia (Added Information—Pen Ryn), 1601 State Road, Bensalem Township, Bucks County.

BRENT D. GLASS,
Executive Director

[Pa.B. Doc. No. 96-1450. Filed for public inspection August 30, 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:

Regulation Disapproved:

Environmental Quality Board # 7-289: Sewage Facilities—Planning, Permitting and Disposal Facilities (would amend 25 Pa. Code Chapters 71—73)

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

Environmental Quality Board—Sewage Facilities—Planning, Permitting and Disposal Facilities; Doc. No. 7-289

Order

On July 20, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code Chapters 71—73. The authority for this regulation is contained in sections 7.2 and 9 of the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20). The proposed regulation was published in the August 5, 1995 edition of the *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 16, 1996.

The EQB is proposing to establish technical and bonding criteria for the installation of onlot sewage disposal systems in areas where soil mottling is present. The proposed amendments are based on amendments to the Pennsylvania Sewage Facilities Act (act) which were enacted in 1989 (P.L. 124, No. 26) and 1994 (Act 149 (P.L. 1250, No. 149)) and recommendations to the EQB by the Bureau of Water Quality Management and the Sewage Advisory Committee.

Prior to the 1994 amendments to the Pennsylvania Sewage Facilities Act, the General Assembly also amended the act during its 1989 session in Act 26. Proposed regulations designed to implement the provisions of Act 26 of 1989 were adopted by the EQB on December 19, 1990, and were published in the *Pennsylvania Bulletin* on March 2, 1991. However, the proposed regulations intended to implement Act 26 of 1989 were withdrawn by the EQB on May 19, 1993, following the close of the public comment period.

Many of the proposed revisions are either word for word from Act 149 of 1994 or closely paraphrase it. Major provisions of the regulation include an exception from the requirement to obtain a permit for lots of 10 acres or more, permitting of onlot sewage systems in mottled soils and financial assurances for onlot sewage systems installed in mottled soils.

The final-form regulation was supported by the Sewage Advisory Council to the EQB. We received a letter from Representative Camille George, Democratic Chairperson of the House Environmental Resources and Energy Committee, in support of the EQB's lack of specificity on financial assurances and the need to provide the local agency with flexibility on this matter.

Our Comments expressed concern with the proposed regulation because it lacked any detail on the types of financial assurance and the procedures for forfeiture of the financial assurance. In addition, we were concerned with the verification of the siting requirements to be made by the local agency. These concerns remain with the final-form rulemaking.

The act requires that an individual who installs an onlot sewage system where soil mottling is present provide evidence of financial assurance to the local agency in an amount that equals the cost of replacement of the sewage system and the costs associated with cleaning up any contamination resulting from a malfunction. The act also sets a minimum amount for the financial assurance at either \$20,000, or 15% of the appraised value of the land and dwelling. In our Comments, we recommended that the EQB amend the regulation to include the acceptable types of financial assurance in the rulemaking. We made this recommendation based upon section 7.2(b) of the act which provides:

The Environmental Quality Board shall promulgate rules and regulations that are *to establish the specific*

types of financial assurance that are acceptable under this section, the procedures the local agencies are to follow in forfeiting the financial assurance, and the type of additional financial assurance required if the system approved under this section is replaced. (emphasis added)

The EQB did not accept our recommendation to include the specific types of financial assurance in the rulemaking for two reasons. First, the EQB claims that section 73.151(c) of the regulation meets the legislative intent of the act by providing, in part, that "A local agency may accept such forms of financial assurance that establish, to the satisfaction of the local agency, its full and unconditional right to demand and receive any sum due it under Section 7.2 of the Act." However, the EQB did not sufficiently explain how this section meets the clear language of the act which requires the EQB to promulgate regulations establishing specific types of acceptable financial assurance.

Second, the EQB states that when it proposed a similar regulation in March 1991, it received numerous comments opposing the inclusion of the specific types of financial assurance in the regulation. However, when asked to provide documentation of these comments, the EQB was unable to do so.

We strongly disagree with the EQB's position. We continue to believe the EQB is required to include the specific types of financial assurance in the rulemaking. Section 73.151(c) of the regulation allows the local agency to determine what types of financial assurance will be acceptable. In contrast, the act clearly mandates that the EQB, not the local agencies, shall promulgate rules and regulations that establish the specific types of financial assurance. By not specifying the acceptable types of financial assurance in the regulation, the EQB has vested the local agency with the discretion to decide what types of financial assurance will be acceptable. This discretion will give the local agency the power to reject common types of financial assurance, such as bonds or letters of credit, because it does not want the landowner to build the onlot system. Therefore, we believe the EQB must specify the acceptable types of financial assurance in the rulemaking to meet the intent of the act and to allow current and future landowners certainty as to the types of financial assurance that will be acceptable. If the EQB desires to provide flexibility in the choice of the acceptable types of financial assurance, the EQB could add a provision allowing the Department of Environmental Protection to approve an alternative type of financial assurance based upon a request from a local agency or a landowner seeking to install an onlot sewage system.

Our second concern is with the lack of clarity concerning the local agency's responsibility to verify siting requirements. The act requires an individual who meets the permit exemption requirements to locate the septic tank and absorption area "at least 200 feet from the perimeter of a property line, nonutility right of way, one hundred-year floodplain, or any river, stream, creek, impoundment, well, watercourse, storm sewer, lake, dammed water, pond, spring, ditch, wetland, water supply or any other body of surface water, and ten feet from a utility right of way." (35 P.S. § 750.7(a.1)(1)). Although these isolation distances were included in section 72.22(g)(1) of the regulation, the regulation did not require the local agency to verify the isolation distances as required by the act. In our Comments, we recommended that the EQB amend the regulation to clearly indicate that it is the local agency's responsibility to check for the presence of the items listed above.

The Pennsylvania Association of Sewage Enforcement Officers (PASEO) provided comments on the proposed rulemaking recommending the regulation be amended to provide that the landowner document compliance with the 200 feet siting requirements. The PASEO commented that the local agency should only verify that the disposal system is not located within the isolation distances from any bodies of water and rights of way documented by the landowner. The EQB adopted half of the PASEO's recommendation and amended the regulation to provide that the property owner must document siting requirements as part of the application. We believe requiring property owners to document siting requirements is reasonable, however, the EQB did not modify the regulation to clearly require on-site verification of the property owner's documentation by the local agency. We continue to believe the regulation is deficient because the regulation does not require on-site verification by the local agency.

We believe the act requires the local agency to make this determination as part of its responsibility to verify the siting requirements contained in the act. Specifically, section 7(a.1)(2) of the act provides the following:

Before a person who meets the requirements for a permit-exempt system installs the system, such person shall notify the local agency of the installation. The local agency may charge a fee, not to exceed twenty-five dollars (\$25), to verify the system is located in accordance with the siting requirements of subsection (a.1)(1).

The DEP staff stated at our August 8, 1996, public meeting that they believe the fee and the verification are optional on the part of the local agency. We agree the fee is optional, however, we believe section 7(a.1)(2) of the act requires verification by the local agency. Furthermore, section 8(b)(10) of the act provides the local agency with the power and duty:

To make such inspections of and verify measurements made by applicants on public or private properties which are determined by the local agency's authorized representative to have natural or manmade features from which specific isolation distances are required prior to the approval of onlot sewage disposal system usage in subdivisions or individual lots. The local agency's authorized representative shall have the right to enter upon lands for these purposes. (emphasis added)

We believe the act requires the local agency to verify that the onlot system is located in accordance with the specific siting requirements contained in section 72.22(g)(1) of the rulemaking. If the local agency was simply going to rely on the landowner to identify any bodies of water within the 200 feet limit, there would be nothing for the local agency to independently check. As previously mentioned, the EQB partially adopted the recommendation of the PASEO by amending the regulation to provide that the landowner shall provide documentation relating to the siting requirement of the regulation and we have no objection to this amendment. However, we believe the EQB must amend the regulation to clarify the local agency's responsibility to verify siting requirements including checking for the presence of any items contained in section 72.22(g)(1) of the rulemaking.

Our third concern is the lack of detail concerning the procedures to be followed with the forfeiture of the financial assurance. Section 7.2(b) of the act provides that the EQB must include the procedures the local agency is to use when the financial assurance is forfeited. Specifically, section 7.2(b) provides:

The Environmental Quality Board shall promulgate rules and regulations that are to establish the specific types of financial assurance that are acceptable under this section, *the procedures the local agencies are to follow in forfeiting the financial assurance, and the type of additional financial assurance required if the system approved under this section is replaced.* (emphasis added)

The regulation is not clear on the important procedures involving financial assurance. Specifically, the only reference in the regulation to the use of financial assurance is in section 73.151(c) which provides:

A local agency may, in its discretion, authorize a property owner to use the financial assurance for the sole purpose of repair or replacement of the onlot system, for remedial measures to clean up contaminated groundwater and to replace any contaminated water supplies.

In our Comments, we expressed concern with the discretionary phrase "A local agency may, in its discretion . . ." We questioned when the local agency would not require the property owner to use the financial assurance when a problem arises with the disposal system. We believe the regulation needs to clearly indicate the steps the local agency must take when it determines that the financial assurance is forfeited. The EQB did not make any revisions in response to our concerns because it wants to give the local agency flexibility in the forfeiture of the financial assurance.

We continue to believe the act requires the EQB to provide guidance on the procedures to be used when the financial assurance is forfeited. Therefore, we recommended the EQB amend the regulation to establish the procedures to be followed when the financial assurance is forfeited, what portion of the financial assurance will be used, how the local agency is to use the forfeited funds, and what types of additional financial assurance are required if the onlot system is replaced.

Finally, we believe that section 73.151(d) lacks the necessary clarity to describe the EQB's intent. Specifically, since the local agency will be responsible for declaring forfeiture, section 73.151(d) should clearly indicate this intent. Therefore, we recommend that the first portion of section be amended to read as follows, "The local agency will declare forfeiture when it determines that one or more of the following apply . . ."

For the reasons set forth above, we find the regulation not to be in the public interest. The act mandates that the EQB promulgate rules and regulations providing guidance on the types of acceptable financial assurance and the procedures to follow when the financial assurance is forfeited. In addition, we believe the act requires the local agency to conduct on-site verification of isolation distances. Therefore, as discussed, we believe the EQB must amend the regulation accordingly to address these concerns.

Therefore, It Is Ordered That:

1. Regulation No. 7-289 from the Environmental Quality Board, as submitted to the Commission on July 16, 1996, is disapproved;

2. The Environmental Quality Board shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or

to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 7-289 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1451. Filed for public inspection August 30, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

M & B Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on August 12, 1996, and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1452. Filed for public inspection August 30, 1996, 9:00 a.m.]

Application and Request for Approval of a Recapitalization of a Domestic Title Insurance Company

Conestoga Title Insurance Company, a Pennsylvania title insurance company, has submitted a Plan of Recapitalization, whereby it proposes to reduce the stated capital of the company. The initial filing was received on August 9, 1996, and was made under requirement set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 21205 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this recapitalization are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a

concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1453. Filed for public inspection August 30, 1996, 9:00 a.m.]

Application and Request for Plan Approval of a Merger

Cloister Mutual Casualty Insurance Company, a Pennsylvania domiciled mutual fire insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Cocalico Mutual Insurance Company, a Pennsylvania domiciled mutual fire insurance company. The survivor will be Cloister Mutual Casualty Insurance Company. The initial filing was received on August 19, 1996, and was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. §§ 1921—1932 and 21205—21207. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving of this merger are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1454. Filed for public inspection August 30, 1996, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Experience-Rated 65 Special Program; Filing No. 304-EXP-65-1-97

Blue Cross of Northeastern Pennsylvania has filed to increase rates for the 65 Special Experience-Rated Program with an effective date of January 1, 1997. The requested rate increase is 5.18% which changes the rates from \$54.10 to \$56.90. The increase will produce approximately \$121,000 of additional income for 1997 for an estimated 3,600 subscribers.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311

Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1455. Filed for public inspection August 30, 1996, 9:00 a.m.]

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. 96-1457. Filed for public inspection August 30, 1996, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Security 65 Program: Plans A, B, C and H Medicare Supplemental; Filing No. 302-SEC-65-1-97

Blue Cross of Northeastern Pennsylvania has filed to increase rates for the Security 65 Program with an effective date of January 1, 1997. Specifically, the requested rate increases are approximately 24.2%, 9.1%, 9.1% and 12.4% for Security 65 packages A, B, C and H respectively. The actual proposed rates are as follows:

	<i>Current Rates</i>	<i>Proposed Rates</i>
Security 65 Package A	\$17.75	\$22.05
Security 65 Package B	\$38.60	\$42.10
Security 65 Package C	\$48.15	\$52.55
Security 65 Package H	\$75.60	\$85.00

This increase will produce approximately \$3,000,000 of additional income for 1997 for an estimated 60,000 subscribers.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1456. Filed for public inspection August 30, 1996, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; 65 Special Program for Community-Rated Groups (Small Groups); Filing No. 303-COM-65-1-97

Blue Cross of Northeastern Pennsylvania has filed to increase rates for the 65 Special Community-Rated Program with an effective date of January 1, 1997. The requested rate increase is for 4.36% which changes the rates from \$48.15 to \$50.25. The increase will produce approximately \$164,000 of additional income for 1997 for an estimated 6,500 subscribers.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311

Mary E. Brown; Hearing

Mary E. Brown; Catastrophic Loss Trust Fund; Doc. No. CF96-07-012

The hearing on the above-captioned appeal is hereby scheduled for 9 a.m., October 16, 1996, in the Administrative Hearing Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure). The claimant may appear with or without position. The representative of the Cat Fund must bring relevant claim files and any other necessary evidence. The claimant must bring all documents, photographs, drawings, witnesses, and the like, necessary to substantiate the case.

Pending hearing, parties shall informally attempt to resolve undisputed facts by stipulation, exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness.

All documents, motions and pleadings shall be filed with Donna L. Sherrick, Docket Clerk, Administrative Hearing Office, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before September 19, 1996.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1458. Filed for public inspection August 30, 1996, 9:00 a.m.]

Pennsylvania Blue Shield; Revision 1 to Amendment 1 to Filing No. 13-W-1991; Blue Shield Community-Rated OptiChoice Agreement; Form No. 3866

By Revision 1 to Amendment 1 to filing no. 13-W-1991, Pennsylvania Blue Shield submits Amendatory Rider Forms 4906, 4907, 4908, 4909 and 4918 to the Community-Rated OptiChoice Preferred Provider Vision Care Program. When approved, these forms will replace the previously approved riders of the same form number that have never been issued by the plan. No rate impact is proposed.

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. 96-1459. Filed for public inspection August 30, 1996, 9:00 a.m.]

Workers' Compensation Schedule Rating

The Insurance Department has established procedures for implementation of the provisions of Act 57 that allow for Workers' Compensation schedule rating for risks that do not qualify for the uniform experience rating plan.

On June 24, 1996, Act 57 of 1996 (P. L. 350, No. 57) was signed into law by Governor Tom Ridge. Act 57 contains provisions for schedule rating for Workers' Compensation. The effective date of these provisions is August 23, 1996.

Proposed schedule rating plans must be filed with and approved by the Insurance Department. The following criteria will be used in determining the acceptability of a filing:

1. Act 57 allows approval of plans that provide modification of the rate, including the loss cost portion of the rate, for risks ineligible for experience rating.
2. The Department will consider schedule rating plans for risks eligible for experience rating provided that the modification for these risks is not based on measurement of loss producing characteristics of an individual insured. Per Act 44, the experience rating plan is the exclusive means of providing prospective premium adjustment based on these measurements.
3. The filed schedule rating plan must detail characteristics to be used in determining the adjustment.
4. The order of calculation for premium determination must be specified and consistent with the Bureau's statistical plans.
5. Companies should allow 30 days for the Insurance Department's review of the filing but may request an effective date to be concurrent with completion of the Department's review.

Companies must continue to report data on schedule rated risks to the Pennsylvania Compensation Rating Bureau and Pennsylvania Coal Mine Compensation Rating Bureau consistent with those Bureau's statistical reports and financial data calls.

Any questions may be directed to Stephen Kcenich, Insurance Department, Office of Rate and Policy Regulation, Property and Casualty Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-0693.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1460. Filed for public inspection August 30, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Bell Atlantic Corporation; Adoption of Motion; Doc. No. M-960840

The Pennsylvania Public Utility Commission, at a public meeting held August 8, 1996, adopted a motion by Commissioner David W. Rolka, which is set forth as follows. Comments that are filed, original and ten copies, should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. An additional two copies of the comments filed should be served to each Commissioner. The 10 day deadline referenced in paragraph 5 will be strictly enforced. Written requests must be received within that timeframe.

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.

The contact person is John L. Dial, Executive Director, (717) 783-5331.

Motion of Commissioner David W. Rolka

The Telecommunications Act of 1996 (act) provides for the entry of Bell Atlantic Corporation (BA) into the interLATA long distance market in its own region once it has met a number of conditions specified in sections 271 and 272 of the act. Within 90 days of the receipt of an application from BA for entry, the Federal Communications Commission (FCC), in consultation with the Pennsylvania Public Utility Commission (PUC or Commission) and the United States Department of Justice (DOJ), must determine whether Bell Atlantic-Pennsylvania (BA-PA) has met the requirements of section 271 including what is referred to as a competitive checklist of 14 requirements directed at the development of competition in the local exchange market; whether there is in existence a pre-dominately facilities based competitor providing residential and business service in BA-PA's service territory; and that BA's entry into the long distance market in its region is in the public interest.

Each of these matters will be subject to interpretation and debate by BA, competitor service providers and other parties interested in BA's entry into long distance service. For example, there may be little of substance to guide our interpretation of the phrase "providing telephone service to residential and business customers predominately over its own facilities." Some urge that this is already the case. Others suggest that there needs to be a specific level of usage of a competitor's own facilities or a significant minimum number of access lines served before qualification can occur. Similarly, there is no clear agreement as to when BA's long distance entry would be in the public interest or how that would be evaluated.

With respect to the competitive checklist, BA-PA has informally indicated its belief that it has already met many of the items and that it expects to complete the requirements, and file for in-region interLATA entry, near the end of this year or very early next year.

In anticipation of the RBOC's respective section 271 applications, the FCC hosted a meeting with state regula

tors and representatives of the United States Department of Justice earlier this summer. The purpose of the meeting was to discuss the necessity for state commissions to initiate dockets to examine the RBOC's status of progress toward meeting the checklist prior to an official filing. The obvious need to develop an evidentiary record upon which to base the state consultations was also discussed. Both the FCC and the DOJ expressed the perspective that the prompt initiation of a state proceeding in advance of the RBOC's formal 271 application was imperative, and that they would assist and cooperate with such efforts. This type of dialogue was complementary to the language of our Implementation Order at M-960799, wherein we stated that our section 271 consultative role should be interpreted in a cooperative manner with our Federal colleagues.

On August 1, 1996, the National Association of Regulatory Utility Commissioners (NARUC) sent a letter to each of the Regional Bell Operating Company (RBOC) Chairperson and Chief Executive Officers requesting RBOC cooperation in the State commission review of RBOC section 271 applications so as to facilitate FCC disposition of these applications. The FCC chairperson has issued a press release in support of the NARUC letter. The DOJ has prepared a draft enumeration of issues and information to be considered in evaluating RBOC section 271 applications for in-region interLATA entry to assist state review of the 271 criteria.

The NARUC specifically requires that the RBOC report to state commissions on four general topics:

- Evidence to be relied on showing that the RBOC has met either the requirements of section 271(c)(1)(A) relating to the presence of a facilities-based carrier or section 271(c)(1)(B) relating to a statement of terms and conditions.
- Evidence to be relied upon showing that each requirement of the section 271 checklist has been met.
- Evidence to be relied upon showing the extent to which the RBOC is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service to residential and business subscribers.
- Evidence to be relied upon showing compliance with the public interest requirement in section 271. (To insure a complete record, the RBOC should include evidence on issues that may be relevant to the FCC's decision, including the extent of competition or special unforeseen circumstances.)

In anticipation of Bell Atlantic's section 271 application to the FCC, and to provide a sufficient foundation for this agency to consult with the FCC, we should initiate a proceeding and invite comments from interested parties at this time. The Commission should also request BA-PA to report on its intentions with respect to an application for entry into the in-region long distance market and direct BA-PA to report on its progress toward compliance with each of the requirements of section 271 and the subjects identified by NARUC so that we can efficiently and promptly develop a comprehensive record. In initiating this proceeding, Pennsylvania would join the ranks of the state regulatory commissions of Florida, Illinois, New York and Ohio, each of which has already initiated its own 271 related docket.

I Therefore Move That:

1. A proceeding be initiated to begin an evaluation of compliance with the provisions of the Telecommunications

Act of 1996 regarding the provision of in-region interLATA long distance telephone service by Bell Atlantic;

2. Bell Atlantic is requested to provide a report, by no later than 30 days after publication of this Motion in the *Pennsylvania Bulletin*, on its intentions and an anticipated schedule of activity with respect to an application for interLATA entry into the Pennsylvania long distance market;

3. Bell Atlantic-Pennsylvania is directed to file, by no later than 30 days after publication of this Motion in the *Pennsylvania Bulletin*, a report and comments on its progress toward compliance with each of the section 271 criteria and the four subjects identified by NARUC as set forth in the body of this Motion;

4. Interested parties and competitors are invited to present their views regarding Bell-Atlantic's compliance with the section 271 criteria and information provided by Bell as set forth in Ordering Paragraphs 2 and 3 of this Motion by no later than 45 days after publication of this Motion in the *Pennsylvania Bulletin*;

5. Parties wishing to receive copies of comments and reports shall notify the Secretary in writing no later than 10 days after publication of this Motion in the *Pennsylvania Bulletin*. A list of such parties shall be maintained by the Secretary, and BA-PA and other parties shall be required to serve copies of their documents on all parties on the list;

6. The Law Bureau and the Secretary shall cause this Motion to be published in the *Pennsylvania Bulletin* at the earliest possible date, and the contact person should be identified as the PUC's Executive Director;

7. All parties shall serve each Commissioner's office and the Commission's Secretary with their respective comments and reports submitted under this Motion; and

8. Further action in this proceeding shall be directed by the Commission.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1461. Filed for public inspection August 30, 1996, 9:00 a.m.]

Gas Service Without Hearing

A-120006. G & G Gas, Inc. and Sigel Gas Company. Application has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code, by G & G Gas, Inc. and Sigel Gas Company for approval of (1) the transfer of all the gas property and rights of the latter to the former, (2) the right of G & G Gas, Inc. to begin to offer, render, furnish or supply gas service to the public in a portion of Rose Township, Jefferson County, and (3) the abandonment, by Sigel Gas Company, of all the gas service to the public.

This application may be considered by the Commission without hearing. Protests or petitions to intervene may, however, be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served upon applicants on or before September 16, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for applicants: Scott Williams, Esquire, Henry P. Perciballi Law Offices, 429 Market Street, Williamsport, PA 17701.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1462. Filed for public inspection August 30, 1996, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before September 23, 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 the approval of the transfer of stock as described under each application.

A-00111774, Folder 5000. Economy Moving & Storage, Inc. (1408 B Calcon Hook Road, Sharon Hill, Delaware County, PA 19079), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of all the issued and outstanding ten shares of stock, from Donald Redner, five shares each going to John Eder and Stephen Eder. *Attorney:* Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.

A-00113305. Timothy M. Moore, t/d/b/a Moore Movers (326 West Maiden Street, Washington, Washington County, PA 15301) (1) household goods in use, between points in the city of Washington, Washington County, and within 15 miles by the usually traveled highways of the limits of the said city, and (2) household goods in use, from points in the city of Washington, and within 15 miles by the usually traveled highways of the said city, to other points in Pennsylvania and vice versa; which is to be a transfer of part of the rights issued to Neel Transportation Co., Inc., under the certificate issued at A-00099691, subject to the same limitations and conditions. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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-00113301. Tropiana Tours, Inc. (1401 Dreshertown Road, Dresher, Montgomery County, PA 19025), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, between points in the city and county of Philadelphia, and the counties of Bucks,

Chester, Delaware and Montgomery, and from points in the said city and counties to points in Pennsylvania and return. *Attorney:* William M. Barnes, Suite 3600, 1600 Market Street, Philadelphia, PA 19103-4252.

A-00113299. Michael Lee Bennett, t/d/b/a Bennett's Limousine Company (320 West Pine Avenue, Bloomsburg, Columbia County, PA 17815)—persons in limousine service, between points in the counties of Columbia, Northumberland, Montour, and that part of the county of Luzerne, bounded on the west by the Columbia/Luzerne County Line, on the south by Interstate Route 80, and on the east and north by Route 93 to Route 239 north to the Columbia/Luzerne County Line, and from points in the said territory to points in Pennsylvania and return. *Attorney:* Rebecca Warren, 38 West Third Street, Bloomsburg, PA 17815.

A-00113304. Anthony S. Previte, t/d/b/a Dynasty Limousine Service (640 Lincoln East Highway, Coatesville, Chester County, PA 19320)—persons in limousine service, between points in the counties of Chester and Lancaster, and from points in the said counties, to points in Pennsylvania and return. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Plaza, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113298. McCarthy Flowered Cabs, Inc. (1708 Delaware Street, Dunmore, Lackawanna County, PA 18509), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand (1) in the city of Scranton, Lackawanna County, limited to 32 motor vehicles; (2) in the boroughs of Moosic, Old Forge, Taylor, Dunmore, Throop and Olyphant, and within an airline distance of 3 statute miles of the limits of the borough of Olyphant, all in Lackawanna County; which is to be a transfer of the rights authorized under the certificate issued at A-00106043, F. 1, to Red Top Cabs, Inc., subject to the same limitations and conditions. *Attorney:* Lloyd R. Persun, P. O. Box 5950, Harrisburg, PA 17110.

A-00113298, Folder 2. McCarthy Flowered Cabs, Inc. (1708 Delaware Street, Dunmore, Lackawanna County, PA 18509), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from the Wilkes-Barre/Scranton Airport, located in the township of Pittston, Luzerne County, to points within an airline distance of 50 statute miles of said airport, and vice versa; subject to the following conditions: (a) that no right, power or privilege is granted to provide service to points in the county of Monroe, and within an airline distance of 10 statute miles of the limits thereof; (b) that no right, power or privilege is granted to the applicant to provide airport transfer service from the Wilkes-Barre/Scranton Airport to the city of Pittston, and the townships of Pittston and Jenkins, and the boroughs of Duryea, Avoca, Dupont, West Pittston and Exeter, Wyoming, Laflin, Yatesville, and Hughestown, all in Luzerne County, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00106043, F. 2 to Red Top Cabs, Inc., subject to the same limitations and conditions. *Attorney:* Lloyd R. Persun, P. O. Box 5950, Harrisburg, PA 17110.

A-00113298, Folder 3. McCarthy Flowered Cabs, Inc. (1708 Delaware Street, Dunmore, Lackawanna County, PA 18509), a corporation of the Commonwealth of

Pennsylvania—persons upon call or demand, in the city of Scranton, Lackawanna County, limited to 18 motor vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00012698, F. 4, to Public Service Taxi Co., subject to the same limitations and conditions. *Attorney:* Lloyd R. Persun, P. O. Box 5950, Harrisburg, PA 17110.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00109285, Folder 3. Kelly Transit, Inc. (3950 Conewago Road, Dover, York County, PA 17315), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, by prior charter arrangement, for companies or employers, between points in York County, subject to the following conditions: (a) that all service shall be provided on an exclusive basis; (b) that all service provided shall require advance reservations made at least 7 days prior to the date the service will be rendered; (c) that points of origin and destination for the service shall be limited to the places of business, industrial plants, or work locations of the companies or employers that use the service, and not to any other destination; (d) that the service shall be provided only during the hours the companies or employers regularly transact business or utilize their work force. *Attorney:* Marc Roberts, 149 East Market Street, York, PA 17401.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00088477, Folder 5, Am-A. Lehigh Valley Taxicab Co., t/d/b/a A Amore Limousine Service (130 West Goepf Street, Bethlehem, Northampton County, PA 18018)—persons in limousine service, between points in the counties of Berks, Northampton and Lehigh, and from points in said counties to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide transportation for weddings in the counties of Northampton and Lehigh: *so as to permit* the removal of the condition that reads as follows: that no right, power or privilege is granted to provide transportation for weddings in the counties of Northampton and Lehigh.

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 16, 1996.

- A-00113302 APB Transportation, Inc.
226 Bryden Road, Wynnewood, PA
19096
- A-00113303 Philip, & Thomas Fletcher, Jr., t/d/b/a
Fletcher Transport
R. D. 2, Box 53, Olyphant, PA 18447
- A-00113306 Howard J. Young, Jr., t/d/b/a/ H. J.
Young Trucking
241 Perry Road, Shoemakersville,
PA 19555

- A-00113308 T. E. Brown, t/d/b/a T. E. Brown
Trucking & Leasing
P. O. Box 379, Armagh, PA 15920
- A-00099464, F.2 P J L Trucking, Inc.
175 Maurus Street, St. Marys, PA
15857
- A-00110841, F. 2 Fisher, Inc., t/d/b/a Fisher
Transportation
1419 Union Avenue, Pennsauken NJ
08110; David H. Radcliff, Esquire,
2216 Walnut Street, Harrisburg, PA
17108
- A-0011307 Rite Aid Transport, Inc.
P. O. Box 3165, Harrisburg, PA
17105; Andrew K. Light, Esquire,
1777 Market Tower, 10 West Market
Street, Indianapolis, IN 46204-2971
- A-00113309 Lemuel L. Moore, Jr., t/d/b/a Lem
Moore Transportation
125 Seneca Trail, Boyertown, PA
19512

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1463. Filed for public inspection August 30, 1996, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project # 9611.3, Water Meter Pit Repairs, Pier 98 South Annex, until 2 p.m., Thursday, September 19, 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 September 3, 1996. The cost of the bid document is \$35 (includes 7% PA Sales Tax) and is nonrefundable. 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 September 12, 1996, 10 a.m. at the site.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 96-1464. Filed for public inspection August 30, 1996, 9:00 a.m.]

PREVAILING WAGE APPEALS BOARD

Filing of Grievances

The Prevailing Wage Appeals Board has received two grievances from the Pennsylvania State Building and Construction Trades Council, AFL-CIO. The first grievance, In Re: Pennsylvania State Building and Construc-

tion Trades Council, AFL-CIO et al, Docket No. PWAB-5G-1996, challenges the Department of Labor and Industry's new practice of mailing copies of wage pre-termination via its electronic bulletin board. The second grievance, In Re: Pennsylvania State Building and Construction Trades Council, AFL-CIO et al, Docket No. PWAB-6G-1996, challenges the Department of Labor and Industry's statutory interpretation and methodology to conduct its new wage surveys.

Under 34 Pa. Code §§ 213.8(e) and 213.9(a), the Prevailing Wage Appeals Board must notify all interested parties designated in §§ 7, 8 and 11(c) of the Prevailing Wage Act (43 P.S. §§ 165-1 and 165-17) that the above mentioned grievances have been filed. Parties who wish to intervene have 15 days from the date this notice is published to do so.

STAGER CLAY SMITH,
Chairperson

[Pa.B. Doc. No. 96-1465. Filed for public inspection August 30, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting sealed bids for: Full Size Four-Door Sedans, Open Date: 9-12-96 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 Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-1466. Filed for public inspection August 30, 1996, 9:00 a.m.]

Request for Bids

The Turnpike Commission is requesting sealed bids for: Roof Renovation, Bowmansville Sv. Plaza, Lancaster Co. Open Date: 9-19-96 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. 96-1467. Filed for public inspection August 30, 1996, 9:00 a.m.]

FEDERAL SURPLUS PROPERTY PROGRAM

DEPARTMENT OF GENERAL SERVICES

INVENTORY AND INFORMATION

The Department of General Services, Bureau of Supplies and Surplus Operations oversees the Federal Surplus Property Program within the Commonwealth of Pennsylvania in accordance with the Federal Property and Administrative Services Act of June 30, 1949, 63 Stat. 377 as amended. Personal property is made available on an equitable basis to our State Agency for allocation to eligible organizations at minimal service charges. Available property can include office equipment and furniture, clothing, hand tools, hardware, light machinery, heavy equipment and much more. Some of the equipment is new, while some may require repair, but all of the property is useful, and is available to your organization at a fraction of the cost of buying retail. Most nonprofit, tax-exempt organizations, such as municipalities, schools, emergency management agencies, day care centers and other public service organizations are eligible and have saved thousands of dollars annually through the use of federal surplus property.

All federal surplus property is donated on a first-come, first-served basis to eligible nonprofit organizations within the Commonwealth. A nominal cost is incurred by the participants in the form of a service charge to cover the state's cost of administering the program. Questions about the availability of items or about your organization's ability to participate in the Federal Surplus Property Program should be directed to: The Department of General Services, Bureau of Supplies and Surplus Operations, Federal Surplus Property Program, P. O. Box 1365, 2221 Forster Street, Harrisburg, PA 17105, or call TOLL-FREE 1-800-235-1555.

VEHICLES AND HEAVY EQUIPMENT

Engine. Mfg. Cummins, diesel, 6 cylinder, Model NHC-250, either new or rebuilt. Only 1 available, excellent condition, stock number 2815-96-0192-005, \$1,500.00 ea.

Crane. Mfg. Baldwin-Lima-Hamilton Corporation, 5 ton, 4 wheel, 6 cylinder, gas engine. Only 1 available, good condition, stock number 3810-96-0499-002, \$2,625.00 ea.

Truck. Mfg. General Motors, 1984 and 1985, Blazer, 4x4, 6.2 litre, v-8, diesel, automatic. Several available, good condition, \$2,250.00—\$3,000.00 ea.

BUILDING MATERIALS

Pipe. Mfg. unknown, pvc, 3", schedule 80, 20' long. Plenty available. NEW, stock number 4710-96-0229-006, \$10.00 ea.

Sheet. Mfg. unknown, steel, 4' x 8' x 3/8". Limited quantities available, NEW, stock number 9515-96-0070-001, \$12.50 ea.

Sheet. Mfg. unknown, steel, 5' x 20' x 1/2". Limited quantities available, NEW, stock number 9515-95-0591-007, \$25.00 ea.

Post. Mfg. unknown, fence, steel, 8'. Plenty available, good condition, stock number 5660-96-0035-003, \$2.00 ea.

BUSINESS AND RESIDENTIAL FURNISHINGS

Table. Mfg. Rishel, Division of Hon Industries, printer, wood, 36" x 30" x 30". Limited quantities available, NEW, stock number 7110-96-0351-093, \$37.50 ea.

Cabinet. Mfg. varies, lateral file, metal, 2, 4 and 5 drawer. Limited quantities available, good condition, \$15.00—\$75.00 ea.

Desk. Mfg. varies, wood and metal, double pedestal. Plenty available, good condition, \$5.00—\$30.00 ea.

Cabinet. Mfg. varies, filing, 4 and 5 drawer, legal and letter. Plenty available, good condition, \$40.00—\$60.00 ea.

CLOTHING, TEXTILES AND PERSONAL ITEMS

Parka. Mfg. Wynn Ind., cold weather, olive drab, sizes vary. Plenty available, very good condition, stock number 8415-95-0711-003, \$3.75 ea.

Mitten. Mfg. Illinois Glove Co., shell, cold weather, with trigger finger, large. Plenty available. NEW, stock number 8415-95-0554-003, \$1.50 ea.

Trousers. Mfg. Menlo Ind., cold weather, woodland camouflage, 50% nylon/50% cotton, waist size 31-35 inches. Plenty available, NEW, stock number 8415-93-0528-024, \$5.00 ea.

Sun Glasses. Mfg. Rochester Optical Co. Inc., spectacle type, neutral gray, plastic lens, black plastic frame. Plenty available, NEW, stock number 8465-96-0222-009, \$.75 ea.

ELECTRICAL AND ELECTRONICS

Box. Mfg. Steel City, electrical outlet, steel, 4" x 4" x 2-1/4". Plenty available, NEW, stock number 5975-95-0527-005, \$.25 ea.

Starter. Mfg. Furnas Electric Co., magnetic, with non-fusible disconnect, 30 amp, 3 phase, 200 to 575 volts. Only 2 available, NEW, stock number 5975-95-0694-004, \$22.50 ea.

Inverter. Mfg. Vanner, Model SP00112, 20-30 vdc input, 120 vac output. Limited quantities available, NEW, stock number 6130-95-0648-004, \$12.50 ea.

Wire. Mfg. Cerrowire, 14 gauge, solid, 500'/roll. Limited quantities available, NEW, stock number 6145-96-0111-006, \$2.50 ea.

OFFICE MACHINES AND SUPPLIES

Typewriter. Mfg. IBM, Selectric II and III. Plenty available, conditions vary, \$18.75—\$125.00 ea.

Envelopes. Mfg. Union Envelope Co., plain, 12" x 16", 1/2 mx/carton. Plenty available, good condition, stock number 7530-96-0198-001, \$3.00 ea.

Computer. Mfg. varies, IBM compatible, 286, 5-1/4" and 3-1/2" disk drives, hard drive, complete with keyboard,

monitor and printer. Limited quantities available, good condition, \$100.00 ea.

OILS, PAINTS AND CHEMICALS

Paint. Mfg. varies, spray, 10-12 oz. can, color varies. Plenty available. NEW, stock number 8010-00-0007-001, \$.75 ea.

Oil. Mfg. AM Writing Ink Co., penetrating, type II, for loosening frozen metallic parts, 15 oz/can. Limited quantities available, NEW, stock number 9150-96-0520-006, \$1.50 ea.

Coating. Mfg. Hentzen Coatings, Inc., polyurethane, single component, chemical agent resistant, black, 5 gallon/can. Plenty available, NEW, stock number 8010-96-0078-002, \$10.00 ea.

Grease. Mfg. Sowesco-Olathe, auto and artillery, 5 gallon/can. Plenty available, NEW, stock number 9150-96-0391-002, \$15.00 ea.

Oil. Mfg. Ashland Industrial Products, preservative, tectyl 930, used as a factory fill or break in oil for all new or rebuilt engines, 55 gallons/drum. Plenty available, NEW, stock number 9150-95-0538-001, \$10.00 ea.

PLUMBING/HEATING/AIR CONDITIONING EQUIPMENT

Pipe. Mfg. unknown, pvc, 4", schedule 40, 20' lengths. Limited quantities available, NEW, \$10.00 ea.

Tee. Mfg. unknown, pvc, 3", schedule 40. Limited quantities available, NEW, stock number 4730-95-0498-004, \$.50 ea.

Bowl. Mfg. American Standard, toilet, Cadet RF 3.5, white, uses 4029/4078 tank. Limited quantities available, stock number 4510-96-0010-004, \$7.50 ea.

Heater. Mfg. Valad Electrical Co., space, 240 volt, Model, FW 625-1. Only 1 available, good condition, stock number 4520-94-0258-008, \$30.00 ea.

SHOP AND TRADE EQUIPMENT

Lathe. Mfg. Monarch Machine Co., Model 12 CK, 14.5" actual swing, 30" between centers. Only 1 available, good condition, stock number 3416-96-0287-002, \$2,500.00 ea.

Lathe. Mfg. LeBlond, Model 4 HC, 14" swing, 30" between centers, 1963. Only 1 available, good condition, stock number 3416-96-0287-001, \$2,500.00 ea.

Machine. Mfg. Racine Tool & Machine Co., cut off, hydraulic, Model unknown, 220/440 volt, 3 phase. Only 1 available, good condition, stock number 3419-96-0235-001, \$750.00 ea.

Saw. Mfg. Rockwell Manufacturing Co., table, 220 volt, adjustable bed to 45 degrees. Only 1 available, good condition, stock number 3220-96-0171-017, \$200.00 ea.

Machine. Mfg. Rockwell, Model EFI 3T, drilling machine, 230 volt, 3 phase, 30" x 24" bed, 1/2" chuck. Only 1 available, good condition, stock number 3413-95-0688-001, \$250.00 ea.

MISCELLANEOUS

Sundries. Mfg. Pride Products, Inc., ration supplement, personal care items including shampoo, toothpaste, soap, razors, deodorant, powder, lotion, sunblock, etc., supplies 100 persons for 1 day. Plenty available, NEW, \$18.75 ea.

Omelet. Mfg. Vanee Foods, Inc., with sausage and potatoes or bacon and cheese, thermostabilized, 4 102

ounce trays/box, 18 portions/tray, 30-40 minute heating time. Plenty available, NEW, \$7.50 ea.

Battery. Mfg. Eveready, Energizer, size D, sold by the dozen. Plenty available, NEW, \$3.00 ea.

Agitator. Mfg. Dynamic Tech Corp., paint, DM 14601-A, 115 volt, for pints, quarts and gallons. Plenty available, NEW, \$49.95 ea.

Lightstick. Mfg. Chemical Device Corp., safety, 12 hour

green, 15", 20 sticks/box. Plenty available, NEW, stock number 6260-96-0137-004, \$7.50 ea.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1439. Filed for public inspection August 30, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337

Commodities

1219116 Electric and electronic equipment components—1,000 each; keyed light switches, 20 amp.

Department: Corrections
Location: Somerset, Somerset County, PA 15501-0631
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1213186 Envelopes/various sizes—75M; white—speedy grip gummed (peel and seal).

Department: Revenue
Location: Harrisburg, Dauphin County, PA 17128-1200
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1212116 Fabrics/cloth/materials—100,000 yards; elastic: 1 1/4" width, woven, white, with colored stripes blue and gold. 82% polyester/18% lycra. To be put up on 50 yard rolls.

Department: Corrections
Location: Graterford, Montgomery County, PA 19426
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1224116 Fabrics/cloth/materials—various amounts; thread, a variety of colors and weights.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112

Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8503320 Fuel related equipment and supplies—20 each; fuel dispenser for submergible pumping system.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7313570 Household and commercial furnishings and appliances—1 lot; furnish all materials, labor, supervision and drayage to install flow racks and conveyor system as manufactured by Hytrol Conveyor Company.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA 17124-0001
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1162156 Laboratory equipment and supplies—1 each; Geonics em-31 ground conductivity instrument (or equal).

Department: Lock Haven University
Location: Lock Haven, Clinton County, PA 17745
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1129116 Lumber, millwork, plywood and veneer—various amounts; lumber, plywood, different sizes.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231690 Vehicular equipment, components and automotive supplies—10 each; spreader, air velocity furnish and set-up to be fully operational on department owned truck.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

SP 283545 Provide and install zoned paging system.

Department: Environmental Protection
Location: Southeast Region, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428
Duration: 30 days after contract award
Contact: JoAnn Ache, (610) 832-6019

3500-205 (Rebid) "Telephone Answering Service." The objective of this project is to provide answering services for the Department of Transportation District 5 (including Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill Counties) during off hours and State holidays. Detailed requirements and an SPC are available upon request. FAX requests to Debra Gray at (717) 783-9671.

Department: Transportation
Location: Office Services, District 5, Various Counties
Duration: This is a 5-year contract
Contact: Debra Gray, (717) 783-9671

Audio/Video—04

Child Care—07

RFP No. 7-96 This RFP Grant provides for the Department of Public Welfare to select local management agencies to administer the Subsidized Child Day Care Program in Adams, Franklin, Fulton, Cumberland, Dauphin and Perry Counties and Philadelphia. The purchase of child day care services for eligible low income families who need child care to be employed or to receive training. The assurance that eligible parents are able to choose the most appropriate child care setting for their children including license, registered and unregulated child day care providers. The opportunity for day care providers to participate in the subsidized child day care program.

Department: Public Welfare
Location: Adams, Franklin, Fulton, Cumberland, Dauphin and Perry Counties and Philadelphia
Duration: The initial contract will be for a 12-month period, July 1, 1997 to June 30, 1998. DPW reserves the right to renew for an additional four years.
Contact: Polly Hahn, (717) 787-7585

Computer Related Services—08

SPC No. 281406 The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Receipts and Control desires to engage vendor services to provide data entry and key verification of Property Tax/Rent Rebate Records. Bid proposals to be submitted for Transaction 410 (establish) and Transaction 411 (clean) per thousand records. Prices and production volume must be stated in terms of three hundred (300) character records and firm for period of January 15, 1997 to December 31, 1997. Records are to be recorded on 9 track 1600 B.P.I. magnetic tape.

Department: Revenue
Location: Bureau of Receipts and Control, 1854 Brookwood Street, Harrisburg, PA 17104
Duration: January 15, 1997 to December 31, 1997
Contact: Ernie Fanella, Director, (717) 787-8117

PGC2527 Data reduction services for approximately 200,000 Deer Harvest Cards at 85 keystrokes to be key entered and key verified to create Unisys compatible tapes or cartridges and validation reports. Bids will be opened at 1 p.m., October 22, 1996 at the Pennsylvania Game Commission, Bureau of Management Information Systems, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Department: Game Commission
Location: Bureau of Management Information Systems, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: 12/9/96 through 2/7/97
Contact: Lawrence W. Pease, (717) 783-6585

Construction Maintenance—09

Contract No. FDC-007-167 Demolition of two existing bridges (steel I-beams, timber decking and stone masonry abutments); construction of two new bridges (reinforced concrete abutments and wingwalls and glulam beams, panels and decking). All work is located approximately 1 mile south of the village of Weikert.

Department: Conservation and Natural Resources
Location: Hartley Township, Union County
Duration: Complete all work by October 31, 1997
Contact: Construction Management Section, (717) 787-5055

080918 Centre County, Tudek/Circleville Bikeway; Juniata County, SR 0235(A01); Bradford County, SR 0006(076); Wayne County, SR 0590(601 and 602); Wayne County, SR 4015(670); Monroe County, SR 0380(01M); Delaware County, Group 6-96-ST19; Montgomery County, Group 6-96-ST22; Franklin and York Counties, SR 9911(RDS); York County, SR 3090(001); Dauphin County, SR 3009(003); Clarion County, SR 1001(350); Allegheny County, SR 0019(A16); Fayette County, Dunbar Street Bridge; Delaware and Montgomery Counties, Group 6-96-SP6; Delaware County, Group 6-96-SP7; Delaware County, Group 6-96-SP8.

Department: Transportation
Location: Districts 2-0, 3-0, 4-0, 5-0, 6-0, 8-0, 10-0, 11-0, 12-0
Duration: FY 1996/97
Contact: V. C. Shah, (717) 787-5914

Engineering Services and Consultation—14

08430AG2010 Preliminary engineering, final design, and consultation during construction for the replacement of Brunnerville Road Bridge, S. R. 1035, Section 002, over Hammer Creek in Lancaster County.

Department: Transportation
Location: Engineering District 8-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

OSM 43(1038)101.1 Abandoned Mine Land Reclamation, Installation of Guide Rail, Crestview Park. Involves furnishing and installing an estimated 700 L. F. of PADOT Type 2 Strong Post Guide Rail, 3 Type 2 Strong Post End Treatments. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total 31.5 million for Pennsylvania's 1996 AML Grant.

Department: Environmental Protection
Location: Pine Township, Mercer County
Duration: 30 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

BOGM 95-6 Clean out and plug one Abandoned Oil and Gas Well on the Yoder Property. Estimated to be 6500 feet deep.

Department: Environmental Protection
Location: Rome Township, Bradford County
Duration: 45 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Food—19

615-96 Fresh pastries, various types for delivery November, 1996 through February, 1997. For more specifics, request bid proposal, Inquiry No. 615-96.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: November, 1996—February, 1997
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

616-96 Poultry and poultry products, deliveries from November, 1996 through February, 1997. For more specifics, request bid proposal, Inquiry No. 616-96.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: November, 1996—February, 1997
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

617-96 Prepared salads, various types, for delivery December, 1996 through March, 1997. For more specifics, request bid proposal, Inquiry No. 617-96.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: December, 1996—March, 1997
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

618-96 Meat and meat products, for delivery November, 1996 through February, 1997. For more specifics, request bid proposal, Inquiry No. 618-96.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: November, 1996—February, 1997
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

3500-004 To provide catering services for the Department of Transportation at various sites in the Harrisburg area within 15 miles of the city limits. Services will consist of catering luncheons and breaks during meetings, workshops, ceremonies, etc. Detailed requirements and an SPC are available upon request. FAX requests to Debra Gray at (717) 783-7971.

Department: Transportation
Location: Harrisburg Area Locations
Duration: 11/01/96 through 10/31/2001
Contact: Debra Gray, (717) 783-9671

Hazardous Material Services—21

010303 The identification, handling, transport, treatment, recycle and/or disposal of hazardous, residual and municipally-classified wastes generated or collected at any PennDOT facility within the Engineering District. Engineering District 1-0 covers the six NW counties of PA.

Department: PennDOT
Location: Engineering District 1-0, Liberty Street, Franklin, PA 16323
Duration: Potentially 4 years based upon biennial renewal option
Contact: Gianetta M. Ellis, Environmental Planner, (814) 437-4317

Medical Services—29

RFP 95-07-26 Request for proposal to provide clinical public health services and related patient education and outreach services in an urban, a rural, and a suburban county. The Department will contract with service providers for a period of one year to provide clinical services presently performed by State Health Centers. The four clinical public health services include: 1) Tuberculosis diagnostic and treatment services; 2) Sexually transmitted disease diagnostic and treatment services; 3) HIV testing, counseling and patient education services; 4) Childhood and adult immunization services.

Department: Health
Location: Three selected counties
Duration: One year with one year option for renewal
Contact: Gary Gurian, (717) 787-9857

96-39 Provide as needed on-site Podiatry services to inmates at the State Correctional Institution Waymart Forensic Treatment Center. Services to include diagnosis, treatment and follow-up when necessary. Inmates to be seen on a mutually agreed upon schedule. Center's preference is Tuesday or Thursday morning.

Department: Corrections
Location: State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256
Duration: September 1, 1996 to June 30, 1998 (2 Years Renewal)
Contact: John Ondash, (717) 488-2706

300669 Psychological rehabilitation specialist—to provide expert training for patients and staff to assist the chronically mentally ill patient with a multitude of dysfunctional behaviors to prepare to leave the hospital and reside successfully in the community.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: November 1, 1996 through October 31, 1988, a period of 24 months
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

Property Maintenance—33

Project No. DGS 557-13/587-9 Rev. Rebid Project title: Construction of One (1) 50 Bed Secure Juvenile Facility at Two Locations. Brief description: new modular precast concrete and masonry detention center, metal and single ply roof, detention hardware and equipment, packaged steam-electric HVAC units, alarms and security fence. General construction. Plans deposit: \$50.00 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. Telephone: (717) 787-3923. Bid date: Wednesday, September 11, 1996 at 2:00 p.m. All bulletins issued prior to August 21, 1996 are hereby cancelled.

Department: General Services
Location: Eastern PA and Western PA Juvenile Detention Facility, South Mountain, Franklin County/Cresson, Cambria County, PA
Duration: Proposed date of occupancy 8-1-97/9-15-97
Contact: Contract Bidding Unit, (717) 787-6556

Project No. DGS A 952-79 Revised Rebid Project title: ADA Modifications and Building Refurbishment. Brief description: work includes selective demolition, concrete sidewalk, door and hardware replacement, interior finishes, roofing and HVAC, plumbing and electrical system modifications. General, HVAC, plumbing and electrical construction. Plans deposit: \$85.00 per set. Payable to: Shep Houston, AIA. 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: Shep Houston, AIA, 141 Jefferson Street, Belmont Hills, PA 19004, telephone (610) 668-4160. Bid date: Wednesday, October 2, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Wednesday, September 11, 1996 at 10:30 a.m. in Conference Room, Easton Job Center Office, 220 Ferry Street, Easton, PA. Contact person: Mary Hallahan, telephone (610) 250-1708. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference. Any and all bulletins issued prior to August 28, 1996 are hereby cancelled.

Department: General Services
Location: Easton Job Center Office, Easton, Northampton County, PA
Duration: 180 calendar days from date of award
Contact: Contract Bidding Unit, (717) 787-6556

AE-4045 ADA restroom renovations. FAX (717) 787-0462.

Department: Transportation
Location: PennDOT Maintenance Building, Maintenance District 1-4, Mercer, Mercer County, PA
Duration: 120 calendar days, proposed bid September 1996
Contact: Tina Chubb, (717) 787-7001

AE-5008 Construction of a wood framed structure approximately 34' x 21' covered with fiberglass siding. FAX (717) 787-0462.

Department: Transportation
Location: Roadside Rest Area Site No. 19, I-79 Northbound, Cussewago Township, Crawford County, PA
Duration: 60 calendar days, proposed bid September 1996
Contact: Tina Chubb, (717) 787-7001

AE-5009 Wood framed structure approximately 34' x 21' cover with fiberglass siding. FAX (717) 787-0462.

Department: Transportation
Location: Crawford Welcome Center, Rest Area Site No. 20, I-79 Southbound, Cussewago Township, Crawford County, PA
Duration: 60 calendar days, proposed bid September 1996
Contact: Tina Chubb, (717) 787-7001

MI-679 Project title: Dutcher Hall—Brick Pointing. Scope of work: Tooling and cleaning joints in existing brick and repairing and installing new mortar. Plans cost: \$15.00.

Department: State System of Higher Education
Location: Dutcher Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: Completion date 12/01/96
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

MI-680 Project title: Lyle Hall Loading Dock. Scope of work: Project consists of excavation and installation of a hydraulic loading dock on the north side of Lyle Hall. Project includes all demolition, electrical and plumbing work required for a complete installation. Plans cost: \$25.00.

Department: State System of Higher Education
Location: Lyle Hall, Millersville University, Millersville, Lancaster County, PA 17551-0302
Duration: 15 days from notice to proceed
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

SC-96017 Remove dirt, prepare site, pour and finish new concrete in 2 separate areas at facility. For specifications please send written request to Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213, Attention: Joseph Libus, Purchasing Agent.

Department: Military Affairs
Location: Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: 10-01-96 to 12-31-96
Contact: Joseph Libus, Purchasing Agent, (717) 961-4318

SP318265 Provide snow removal services at the Crawford County Assistance Office. This will include a parking lot approximately 28,411 square feet and a sidewalk 6 feet wide and approximately 564 feet long. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: 1084 Water Street, P. O. Box 1187, Meadville, PA 16335-7187
Duration: 07-01-97—06-30-00
Contact: Lori Vessella, (717) 783-9281

JC-27-96 Snow/ice removal services: to be provided on an as-needed basis. Area involves 20,332 square feet (parking lot, driveway and sidewalks).

Department: Labor and Industry
Location: JCFO, Hazleton Job Center, 75 North Laurel Street, Hazleton, Luzerne County, PA
Duration: Two years (October 1, 1996 through April 30, 1998)
Contact: Robert J. Kozak, Manager, (717) 459-3855

Real Estate Services—35

930A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Board of Probation and Parole with 6,387 useable square feet of new or existing office space in the City of Harrisburg, Dauphin County, PA with minimum parking for eleven (11) vehicles, within the following boundaries: North: Maclay Street; South: Chestnut Street; East: Cameron Street; West: Front Street. Proposals due: September 23, 1996. Solicitation No.: 092338.

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

931A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Transportation with 50,000 useable square feet of new or existing warehouse space in the City of Harrisburg, Dauphin County, PA, with minimum parking for fifteen (15) vehicles, within the following boundaries: within the City of Harrisburg and a five (5) mile radius of the Harrisburg City Limits, Dauphin County. Proposals due: September 23, 1996. Solicitation No.: 092339.

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

932A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with a minimum of 5,950 useable square feet of new or existing office space in Bedford County, PA, with minimum parking for thirty-six (36) vehicles, within the following boundaries: within Bedford Borough, and within an area four (4) miles of the Bedford Borough Limits. In areas where street or public parking is not available, an additional fifty (50) parking spaces are required. The office must be situated within three (3) blocks of a public transportation system. Proposals due: November 4, 1996. Solicitation No.: 092336.

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

933A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 16,063 useable square feet of new or existing office space in the corporate limits of Washington, Washington County, with minimum parking for seventy (70) vehicles. In areas where street or public parking is not available, an additional one hundred (100) parking spaces are required. The office must be situated within three (3) blocks of a public transportation system. Proposals due: October 21, 1996. Solicitation No.: 092341.

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

934A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA State Police with 4,220 useable square feet of new or existing office space, with minimum parking for twenty (20) vehicles in Lycoming County, PA, within the following boundaries: the City of Williamsport, South Williamsport Borough, Montoursville Borough, Fairfield Township, Loyalsock Township, or Muncy Township. Proposals due: October 28, 1996. Solicitation No.: 092342.

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

Sanitation—36

SP 323351 Removal of solid wastes from Shikellamy State Park Marina and Overlook. Bids will be opened at the Shikellamy State Park Office, Bridge Avenue, Sunbury, PA 17801, Northumberland County, September 19, 1996, 2:00 p.m. prevailing time.

Department: Conservation and Natural Resources
Location: Shikellamy State Park, Bridge Avenue, Sunbury, Northumberland and Union Counties, PA 17801
Duration: 1/1/97—12/31/98
Contact: Mary Gatski, Park Manager, (717) 988-5557

031 Remove and dispose of oil residue and sludge accumulation in four (4) liquid fire training burn pits and two (2) oil/water separators at the State Fire Academy.

Department: PA Emergency Management Agency
Location: PA State Fire Academy, 1150 Riverside Drive, Lewistown, PA 17044
Duration: FY 96—Actual date to be determined
Contact: Larry Eslinger, (717) 783-7380

Security Services—37

SP 312957 Security services: requesting the services of an armed guard. Services must be constant, without interruption, each Agency business day (excluding weekends and holidays).

Department: PA Board of Probation and Parole
Location: 3101 North Front Street, Harrisburg, PA 17110
Duration: 10/01/96 to 06/30/97
Contact: Michelle Carl, Office Services Division, (717) 787-8879

BDD-2-96 Security services—contractor will provide on-site, unarmed, uniformed security guard for coverage 7:00 a.m.—5:00 p.m. Monday—Thursday and 7:00 a.m.—4:30 p.m. Friday, except Holidays.

Department: Labor and Industry
Location: Bureau of Disability Determination, 351 Harvey Avenue, Greensburg, Westmoreland County, PA 15605
Duration: 10/01/96—9/30/97
Contact: J. B. Beyer, (717) 783-3620

Miscellaneous—39

300674 Ethnic rehabilitative interpretation: to provide cross-cultural services for hospital patient treatment programs. The provider must have experience in the cultures and customs of people with Southeast and Latino backgrounds and have people on their staff who are fluent in these languages. The provider must be skilled in presenting cultural programs for people with these backgrounds and must be operating an established program subject to the observation and evaluation of this hospital. The provider of this service must have experience dealing with persons who are mentally ill.

Department: Public Welfare

Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300

Duration: November 1, 1996 through October 31, 1998, a period of 24 months

Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

[Pa.B. Doc. No. 96-1468. Filed for public inspection August 30, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1083156-01	08/14/96	J. A. Kindel Co.	259,782.04
1083156-02	08/14/96	Adolph Sufrin, Inc.	1,102.50
1091116-01	08/19/96	Ridley, Owens & Adkins, Inc.	5,266.90
1144116-01	08/19/96	T. Baird McIlvain Co.	76,410.00
2609125-01	08/14/96	IBM Govern- ment Sys- tems	27,290.00
5820-02 Supplement No. 2	08/26/96	EF Johnson	45,000.00
7240-02 RIP No. 1	08/23/96	T. M. Fitzgerald & Associates	657,710.00
7313520-01	08/15/96	ETC	12,768.00
8160850-01	08/19/96	Deerfield Ag and Turf Center, Inc.	14,625.86
9150-01	08/22/96	Export Fuel Co., Inc.	105,411.40

Requisition or Contract #	Awarded On	To	In the Amount Of
9150-01	08/22/96	Dryden Oil Company, Inc.	9,377.10
9150-01	08/22/96	American Agip Co., Inc., DBA Min- uteman Lu- bricants	50,778.80
9150-01	08/22/96	Pennzoil In- dustrial Lu- bricants	31,921.67
9150-01	08/22/96	Gulf Oil Lim- ited Partner- ship	20,378.15
9150-01	08/22/96	Carlos R. Lef- fler	44,189.55
9150-01	08/22/96	Bedford Valley Petroleum Corporation	431,354.45
9150-01	08/22/96	J. J. Powell, Inc.	13,319.00
9150-01	08/22/96	Farm and Home Oil Company	78,685.90

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1469. Filed for public inspection August 30, 1996, 9:00 a.m.]