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Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 26  
Saturday, September 7, 1996 • Harrisburg, Pa.  
Number 36  
Pages 4313—4400

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Department of Conservation and Natural Resources  
Department of Environmental Protection  
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State Board of Private Licensed Schools  
State Employees' Retirement Board

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

**No. 262, September 1996**

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## **PENNSYLVANIA**

## **BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$80.50 per year, postpaid to points in the United States. Individual copies \$2. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 340  
(800) 334-1429 ext. 340 (toll free, out-of-State)  
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

**Printing Format**

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

**Fiscal Notes**

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

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

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The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1996.

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# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Final Day Backward Program: Procedure for Disposition of Major Jury Cases Filed on and After July 5, 1993 and Before January 2, 1995; General Court Regulation No. 96-2

Upon due consideration of Rules of Court concerning the establishment of trial lists, the scheduling of pretrial conferences and the imposition of discovery deadlines (see Pa.R.C.P. 212, 4001, et seq., and Phila. Civ.R. ★215 and ★4003.4, et seq.) the Court of Common Pleas hereby establishes case management conferences, case management deadlines, settlement conference, pretrial conference and trial listing deadlines to properly and expeditiously resolve Major Jury cases (as hereinafter defined) filed on or after July 5, 1993 and before January 2, 1995, and designates this process as the "Final Day Backward Program."

1. *Cases Subject to Case Management:* All Major Jury cases commenced on or after July 5, 1993 and before January 2, 1995 shall be subject to this Order. A Major Jury case is a "Civil Action—Action at Law" wherein the damages claimed exceed the applicable Arbitration limits, and a jury demand has been timely made and perfected by the payment of the applicable jury listing fee.

This General Court Regulation shall not apply to cases assigned to the following trial lists: "Non-Jury", "Mass Tort", "Arbitration", "Arbitration Appeals", "Municipal Court Appeals" or "Agency Appeals". This Regulation shall not apply to cases designated as Class Actions, unless Class certification is denied.

2. *Case Management Conference:* Beginning in October, 1996, pursuant to Pa.R.C.P. 212, a Case Management Conference shall be scheduled for every Major Jury case in the Final Day Backward Program.

Plaintiff shall serve a copy of the Order scheduling the Case Management Conference on all attorneys of record and any unrepresented party. When necessary, the Court may require Plaintiff to file an Affidavit of Service with the Prothonotary; but no such filing shall be routinely required.

a. *Presiding Officer:* The Case Management Conference shall be conducted by a Civil Case Manager designated by the Court, acting on behalf of the Judicial Team Leader for the Final Day Backward Program.

b. *Issues to be Addressed:* Pursuant to Pa.R.C.P. 212(b), counsel shall address all relevant issues concerning service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed and applicable defenses.

c. *Failure to Proceed:* If it appears from the information obtained at the Case Management Conference that any party has shown a lack of due diligence by failing to proceed with reasonable promptitude, the Civil Case Manager may schedule the matter for a conference or hearing before the Judicial Team Leader for the Final Day Backward Program. The Civil Case Manager may, by

Rule to Show Cause, direct any party to proceed with pleadings in accordance with applicable Rules of Civil Procedure, including requiring Plaintiff to serve the initial pleading, to file a Complaint and serve same, or to file a Petition for Alternative Service. Any such Rule to Show Cause shall be returnable before the Team Leader for the Final Day Backward Program.

d. *Transfer to Arbitration:* If it appears from the information provided to the Civil Case Manager at the Case Management Conference that the amount at issue does not exceed the applicable arbitration limits, the Civil Case Manager shall refer the case to the Judicial Team Leader for the Final Day Backward Program for determination of whether the case should be transferred to Arbitration pursuant to Pa.R.C.P. No. 1021(d).

3. *Case Management Order:* At the conclusion of the Case Management Conference, a Case Management Order shall issue. The Case Management Order will be based upon the assignment of each case to a specific Case Management Track.

The following Case Management Tracks are hereby established: Expedited Case Management Track, Standard Case Management Track, Complex Case Management Track and Extraordinary Case Management Track. Each case shall be assigned to a Case Management Track in accordance with the presumptive track assignment, established hereby and following hereto as "Exhibit A". For cause shown, the Case Manager may reassign the case to any appropriate Case Management Track.

The Case Management Order shall establish the applicable deadlines for each particular case in accordance with the Presumptive Time Standards established hereby and following hereto as "Exhibit D". All cases assigned to the Extraordinary Case Management Track shall be scheduled for a conference before a Judge and deadlines shall be imposed upon consideration of the particular facts of the case.

4. *Relief from Deadlines Set Forth in Case Management Order:* Relief from the time requirements of any Case Management Order may be granted only by the Judicial Team Leader of the Final Day Backward Program. Any aggrieved party may file a Petition for Extraordinary Relief with the Prothonotary, Second Filing Unit, prior to the deadline that is sought to be changed. The Petition shall be in the form following hereto as "Exhibit B". Any adverse party shall have ten (10) days after the filing of the Petition for Extraordinary Relief to file a Response with the Prothonotary, Second Filing Unit. The Response shall be in the form following hereto as "Exhibit C". The parties may not extend any Case Management deadline by agreement, without Court approval, obtained by Petition for Extraordinary Relief.

5. *Settlement Conference:* A settlement conference will be expeditiously scheduled on any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing to the Judicial Team Leader for the Final Day Backward Program.

In all cases, a settlement conference may be scheduled by the Court.

6. *Pretrial Memorandum:* All counsel and unrepresented parties shall file a Pretrial Memorandum as required by the Case Management Order. The Pretrial

Memorandum shall contain: A concise summary of the nature of the case, or defense; a list, by name and address, of all witnesses the party anticipates calling at trial; a pre-numbered list of all exhibits which the party intends to offer into evidence at trial; the Plaintiff shall list an itemization of the injuries or damages sustained, and all special damages claimed, by category and amount; and Defendant shall identify the applicable insurance carrier, together with applicable limits of liability.

The Pretrial Memorandum shall be served upon all counsel and unrepresented parties contemporaneously with filing. Counsel should expect witnesses and exhibits not listed in the Pretrial Memorandum to be precluded at trial.

7. *Pretrial Conference.* In every case, a Pretrial Conference shall be scheduled by the Court. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered.

8. *Trial Date:* At the conclusion of the Pretrial Conference, a date shall be established by which the case shall be deemed by the Court to be ready for trial. Cases in the Expedited and Standard Tracks may be placed in a ready pool status, subject to assignment for trial upon twenty-four (24) hours notice.

No continuance requests shall be entertained, except in accordance with Pa.R.C.P. 216, and subject to Pa.R.C.P. 217.

9. *Failure to Appear for Scheduled Conferences.* Attendance at all conferences scheduled by the Court is

mandatory. If Plaintiff fails to appear, the case may be nonprossed without further notice. In the event any other party fails to appear, the conference shall be held in their absence and sanctions may be imposed. All requests to reschedule conferences shall be made in writing to the Judicial Team Leader for the Final Day Backward Program with copies to all parties.

10. *Team Leader:* The Administrative Judge of the Trial Division shall from time to time designate a Judicial Team Leader who shall be responsible for the Final Day Backward Program.

This General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division; and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

JOHN W. HERRON,  
*Administrative Judge*

<i>JURY CASE MANAGEMENT TRACK CRITERIA</i>			
<i>Case Type</i>	<i>Number of Parties</i>	<i>Management Track</i>	<i>Disposition Within</i>
Marine Employment/Wrongful Discharge Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Rent, Lease, Ejectment Title to Real Property Garnishment of Land Other Consumer or Credit	≤4	Expedited	<8 months
Marine Employment/Wrongful Discharge Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Rent, Lease, Ejectment Title to Real Property Garnishment of Land Other Consumer or Credit	>4	Standard	<8 months
Fraud Truth in Lending	Any number	Standard	<8 months
Construction Contracts Airplane/Aviation Toxic Waste, Contamination & Environmental All Professional Malpractice Toxic Tort Personal Injury Stockholders' Suits Libel, Slander, etc. Motor Vehicle Product Liability Product Liability Product Liability Property Damage Contract Product Liability	Any Number	Complex	<15 months

Figure 1

Exhibit "A"



DESCRIBE RELIEF REQUEST (Attach proposed Order setting forth the current deadlines and proposed deadlines)

Set forth the efforts made to comply with the applicable deadlines; specify what needs to be done; set forth all relevant activity which has already been scheduled; and length and reason for the time requested.

A COPY OF THIS PETITION WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES OR COUNSEL ON THE FOLLOWING DATES:

Response due: \_\_\_\_\_ (within ten (10) days of filing of Petition)

I certify the above to be true and correct.

Respectfully submitted,

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

\_\_\_\_\_  
Attorney for Plaintiff/Defendant



THE COURTS

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
FINAL DAY BACKWARD  
RESPONSE TO PETITION FOR EXTRAORDINARY RELIEF

Must be filed with Motion Court.

CONTROL NUMBER

TERM, 19

vs.

Plaintiff(s)

NO.:

Defendant(s)

Filing of: \_\_\_\_\_  
Name of filing party (state whether Plaintiff or Defendant)

NAME OF PLAINTIFF AND COUNSEL	NAME OF DEFENDANT AND COUNSEL
SET FORTH YOUR POSITION CONCERNING THE MOVING PARTY'S REQUESTED RELIEF (ATTACH PROPOSED ORDER)	
A COPY OF THIS RESPONSE WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES OR COUNSEL ON THE FOLLOWING DATES:	

I certify the above to be true and correct.

Respectfully submitted,

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

\_\_\_\_\_  
Attorney for Plaintiff/Defendant

TIME STANDARDS BY TRACK				
Case Event	Expedited	Standard	Complex	Extraordinary
Case Management Conference	All time periods are calculated from the month in which the Case Management Conference is held.			
Discovery Complete	4 months	4 months	8 months	
Plaintiff Expert Reports	4 months	4 months	9 months	
Defendant Expert Reports	5 months	5 months	11 months	
Motions Filed	5 months	5 months	11 months	
Settlement/Mediation Status Conf.	6 months	6 months	12 months	
Pretrial Memo 15 days prior to pretrial conference				
Pretrial Conference	7 months	7 months	13 months	
Trial	8 months	8 months	15 months	

Rev. 8/22/96

Exhibit "D"

[Pa.B. Doc. No. 96-1470. Filed for public inspection September 6, 1996, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Governing Location of Filing Civil Petitions, Motions and Courtrooms Assigned Revised Consolidation Motion Practices, Assignment of Petitions and Motions to Judges and Adoption of Revised Motion Court Cover Sheet; Administrative Doc. No. 3 of 1996

*Whereas*, the Court of Common Pleas has adopted a caseload management system that provides for judicial responsibility for the orderly administration of civil cases, and

*Whereas*, decisions critical to the orderly processing of civil cases should be made by the judge ultimately responsible for the disposition of a case to the extent practicable, and

*Whereas*, current practices governing consolidations are not consistent with individual judicial responsibility, and

*Whereas*, the attainment of these goals will require modification to the structure of Civil Administration, it is hereby

*Ordered* that the following shall occur:

#### Filing Location and Courtroom Assignment

1. All Petitions and Motions other than Discovery Motions shall be filed in the Prothonotary's Office, Second Filing, Room 280, City Hall (not in Room 395, City Hall).

2. Motion Court proceedings shall be heard in Courtroom 275, City Hall.

3. Discovery motions shall be filed in Room 287, City Hall.

4. All Discovery Court proceedings shall be heard in Courtroom 285, City Hall.

#### Revised Consolidation Motion Practice

1. All Petitions and Motions to Consolidate will be processed through normal Motion Court procedures. These matters will no longer be subject to alternate motion procedures.

2. All Petitions and Motions to Consolidate must contain the following information:

The program designation of each of the cases, i.e., Arbitration, Arbitration Appeal (general jury), Non-Jury, Mass Tort, Day Backward, Final Day Backward, Day Forward 1995, 1996 or 1997; the next scheduled action and date of that action of each of the cases; whether the cases are subject to a Case Management Order (if so, a copy of the Order(s) must be attached); the name of the assigned judge; and shall state on the basis of inquiry upon all counsel whether there is any opposition.

3. Motions and Petitions will be assigned as follows:

a. Where the Consolidation involves a Major Jury case, the Motion or Petition will be assigned to the Coordinating Judge of the most recently filed Major Jury case.

The Coordinating Judges of Major Jury cases are: Cases filed in 1996—Judge Sheppard. Cases filed in 1995—Judge Bernstein. Cases filed July, 1993 through December, 1994—Judge Manfredi. Cases filed prior to 1994—Judge Lord.

b. Where the Consolidation involves no Major Jury cases but does involve Non-Jury, Arbitration Appeal or Mass Tort cases, the Motion or Petition will be assigned to Judge DiNubile.

c. Where the Consolidation involves all Arbitration cases, the Motion or Petition will be assigned to Judge Herron, Administrative Judge.

4. Stipulations to Consolidate will no longer be accepted.

#### Assignment of Petitions and Motions to Judges

1. It is further *Ordered* that Motions and Petitions shall be assigned according to the Matrix of Motion Assignments, a copy of which follows as Appendix A, or as modified from time to time.

#### Revised Motion Court Cover Sheet

1. It is further *Ordered* that all motions and Petitions shall be accompanied by a Motion Court Cover Sheet in the form following as Appendix B.

This General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division; and copies shall be submitted

to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

JOHN W. HERRON,  
*Administrative Judge*

rev. 8/22/96 MATRIX OF JUDICIAL ASSIGNMENTS OF MOTIONS		
TYPE & STATUS OF CASE	NON DISCOVERY	DISCOVERY
Day Backward (cases filed prior to 9307)—No Team Assignment	Motion Judges	Discovery Judge
Day Backward (cases filed prior to 9307)—Team Assigned—No trial date set	Team Leader	Discovery Judge
Day Backward (cases filed prior to 9307)—Team Assigned—Listed for Trial	Team Leader	Team Leader
The following Non Discovery Motions in Day Backward Cases (cases filed prior to 9307) will be assigned to the Coordinating Judge of the Day Backward Program: All Day Backward (cases filed prior to 9307) Petitions for Extraordinary Relief		
Final Day Backward (9307 to 9412)	Motion Judges	Discovery Judge
The following Non Discovery Motions in Final Day Backward Cases will be assigned to the Final Day Backward Team Leader: All Petitions to Withdraw; All Petitions for Minor's Compromise and Wrongful Death; All Petitions and Motions to Consolidate if Final Day Backward case is latest filed; All Final Day Backward Petitions for Extraordinary Relief; All Final Day Backward Motions for Change of Venue; All Final Day Backward Motions for Joinder of Additional Defendant(s); All Final Day Backward Pro Hac Vice Motions; All Final Day Backward Motions for Summary Judgment and Judgment on Pleadings; All Petitions to Transfer from Arbitration to Final Day Backward.		
Day Forward 1995	Motion Judges	Discovery Judge
The following Non Discovery Motions in Day Forward 1995 Cases will be assigned to the Day Forward 1995 Team Leader: All Petitions to Withdraw; All Petitions for Minor's Compromise and Wrongful Death; All Petitions and Motions to Consolidate if Day Forward 1995 case is latest filed; All 1995 Petitions for Extraordinary Relief; All 1995 Motions for Change of Venue; All 1995 Motions for Joinder of Additional Defendant(s); All 1995 Pro Hac Vice Motions; All 1995 Motions for Summary Judgment and Judgment on Pleadings; All Petitions to Transfer from Arbitration to Day Forward 1995.		
Day Forward 1996	Motion Judges	Discovery Judge
The following Non Discovery Motions in Day Forward 1996 Cases will be assigned to the Day Forward 1996 Team Leader: All Petitions to Withdraw; All Petitions for Minor's Compromise and Wrongful Death; All Petitions and Motions to Consolidate if Day Forward 1996 case is latest filed; All 1996 Petitions for Extraordinary Relief; All 1996 Motions for Change of Venue; All 1996 Motions for Joinder of Additional Defendant(s); All 1996 Pro Hac Vice Motions; All Petitions to Transfer from Arbitration to Day Forward 1996.		
Mass Tort	CLC Calendar Judge (Letter Form)	CLC Calendar Judge (Letter Form)
Arbitration	Distribution by Admin. Judge	Discovery Judge
Post Arbitration & Arbitration Appeal	Motion Judges	Discovery Judge
Requests for Preliminary Injunctive Relief	Motion Judges	Motion Judges
Non Jury	Motion Judges	Discovery Judge
The following Motions shall be assigned to the Administrative Judge: All Petitions for Minor's Compromise and Wrongful Death—unassigned cases; All Petitions for Assignment of an Individual Judge; All Motions for Advancement on the Trial List; All Petitions to Appoint Neutral Arbitrators; All Petitions to Compel Arbitration; All Petitions and Motions to Consolidate Arbitration Cases.		

APPENDIX A

PHILADELPHIA COURT OF COMMON PLEAS  
MOTION COURT COVER SHEET

FOR COURT USE ONLY  
**ACTION ASSIGNED TO JUDGE:**

DO NOT TELEPHONE JUDGE FOR STATUS.  
 DO NOT SEND JUDGE COURTESY COPIES.

Control Number:

(Responding parties must include this number on all filings.)

\_\_\_\_\_

v.

\_\_\_\_\_

\_\_\_\_\_ Term, 19 \_\_\_\_\_

No. \_\_\_\_\_

Name of Filing Party: \_\_\_\_\_

(Check one)  Plaintiff  Defendant  
 (Check one)  Movant  Respondent

Type of Motion: _____ Response due: _____ OR Response to: _____	Has another motion been decided in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify the judge: _____ Is another motion pending? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify motion and judge: _____
<p style="text-align: center;"><b>CASE STATUS (answer all questions)</b></p> <p><b>I. Is this case:</b></p> <p><b>A. DAY BACKWARD (Jury cases only)</b>          Name of Judicial Team Leader: _____          Date of: <input type="checkbox"/> Settlement Conference _____  <input type="checkbox"/> Trial Date _____ <input type="checkbox"/> Other _____</p> <p><b>B. DAY FORWARD (Jury Demand &amp; Fee Paid)</b>          Name of Judicial Team Leader: _____          Applicable Motion Deadline: _____          Has deadline been previously extended by the Court:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>C. NON JURY</b>          Date Listed: _____</p> <p><b>D. ARBITRATION</b>          Arbitration date: _____</p> <p><b>E. ARBITRATION APPEAL</b>          Listed on: _____</p> <p><b>F. OTHER:</b> _____          Date listed: _____</p> <p>I verify the answers above to be true and correct and understand that sanctions may be imposed for inaccurate or incomplete answers.</p> <p>_____          (Print Name) (Attorney I.D. No.)</p>	<p style="text-align: center;"><b>II. OTHER PARTIES</b></p> <p>(Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped, addressed envelope for each attorney of record and unrepresented party.)</p> <p>_____          _____          _____</p> <p>I certify that all parties listed above will receive a copy of this Motion/Petition immediately upon filing.  <i>If needed, use separate sheet to answer.</i></p>
<p>This Motion will be forwarded to the Court after the Response Date. No extension of the Response Date will be granted even if the parties so stipulate.</p>	

APPENDIX B

[Pa.B. Doc. No. 96-1471. Filed for public inspection September 6, 1996, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## SCHUYLKILL COUNTY

### Amendments to Rules of Criminal Procedure— Types of Bail: Percentage Cash Bail; 354 Misc. 1996

#### Order of Court

*And Now*, this 19 day of Aug, 1996, at 11:25 a.m., the Court hereby rescinds Schuylkill County Criminal Rule of Procedure No. 4006 and adopts Schuylkill County Criminal Rule of Procedure No. 4007 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rules as amended, but no right acquired thereunder shall be disturbed.

The Clerk of Court of Schuylkill County is Ordered and Directed to do the following:

- 1) File seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Criminal Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Bar Association for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

JOSEPH F. MCCLOSKEY,  
*President Judge*

#### Rule 4007. Types of Bail: Percentage Cash Bail.

(a) In the event the District Justice accepts a sum of U. S. currency equal to ten percent (10%) of the full amount of the monetary condition, the sum of money furnished shall be receipted for, deposited, accounted for, forfeited or returned in accordance with Pa.R.Crim.P.No. 4015.

(b) After the final disposition of the case, and provided there has been no forfeiture, the money constituting percentage cash bail shall be returned to the defendant, less a retention fee for administering the percentage cash bail program of ten (10%) percent of the money entered as bail, and in no event shall the retention fee be less than Ten Dollars (\$10.00). The retention fee withheld shall be for the use of the County and shall be received and accounted for by the Clerk of Courts.

(c) When a defendant or a third party surety has deposited a sum of money under the percentage cash bail program, then upon full and final disposition of the case, the deposit less the retention fee for administrative costs, shall be returned to the person who originally posted the deposit. Notice of the full and final disposition shall be sent by the Clerk of Courts to the person who originally posted money at his address of record. Any money not claimed within one hundred eighty (180) days from the time of full and final disposition of the case shall be deemed as fees and shall be forfeited to the use of the County of Schuylkill.

[Pa.B. Doc. No. 96-1472. Filed for public inspection September 6, 1996, 9:00 a.m.]

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## COMMISSION ON SENTENCING

### Meeting Change

The next meeting of the Commission on Sentencing has been changed from Thursday, September 19, 1996 to Wednesday, October 2, 1996. The meeting will be held at the Penn State Downtown Center, 234 N. Third Street, Harrisburg, and will begin at 9 a.m. Persons who have questions should contact Cynthia Kempinen, Senior Associate Director, by telephone (814) 863-2797, extension 2; fax: (814) 863-2129; or E-mail at CAK16@psu.edu.

SENATOR DAVID W. HECKLER,  
*Chair*

[Pa.B. Doc. No. 96-1473. Filed for public inspection September 6, 1996, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF PRIVATE LICENSED SCHOOLS

#### [22 PA. CODE CH. 73]

#### Private Licensed Schools

The State Board of Private Licensed Schools (Board) at its meetings of February 17, 1995, and February 8, 1996, adopted a final rulemaking by amending Chapter 73 (relating to general provisions) which relates to the licensure and registration of schools which train individuals to pursue occupations in the skilled trades, industry or business to read as set forth in Annex A.

#### *Scope and Purpose*

Section 73.42 (relating to exemptions from licensure) is revised to define the various categories of exempt schools, particularly the statutory term "public and other service occupations," so that regulated entities will be able to know whether they must be licensed before they can operate. In addition, § 73.183a (relating to prosecution of violations and other matters) is adopted to create a review and recommendation panel of three Board members who will perform the prosecutorial functions of the Board. Other sections are revised to conform with these major changes.

#### *Comments*

Notice of proposed rulemaking was published at 24 Pa.B. 5324 (October 22, 1994) with an invitation to submit written comments within 30 days. The Board received public comments from five schools or other interested entities, in addition to the comments of the House and Senate standing committees and the Independent Regulatory Review Commission (IRRC).

Regarding § 73.1 (relating to definitions), the Senate Education Committee recommended the addition of language to require that one member of both the hearing panel and the review and recommendation panel be a "public member" as defined in the Private Licensed Schools Act (act) (24 P.S. §§ 6501—6518). This change was suggested to promote balance and consumer protection in the functioning of these panels. The Board concurred in this suggestion and amended both definitions accordingly.

Several commentators suggested that the reference to the Dictionary of Occupational Titles (1991 edition) (Dictionary) was unduly restrictive. They suggested that this document is updated periodically to add new career titles. The Board concurred in this suggestion and thus amended § 73.41 (relating to private licensed schools and admission representatives) to include amendments or supplements to the dictionary.

In a similar vein, a commentator observed that strict use of the career titles in the Dictionary might result in over-regulation. These titles include in their ambit functions taught by purveyors of software and hardware, often along with the sale or lease of the product. A final sentence was added to § 73.41 to exclude these entities and types of training from licensure.

Another commentator expressed concern that the exemption from licensure for in-house training programs in § 73.42(8) (relating to exemptions from licensure) should not apply to contractors. The Board disagreed because it has consistently construed the statutory exemption

broadly to exempt employers and unions which provide free in-house training as well as contracted trainers.

IRRC made two recommendations regarding the provisions drafted to separate the Board's prosecutorial and adjudicative functions. First, IRRC felt that the phrase prohibiting review and recommendation panel members from serving on hearing panels "during their service on the review and recommendation panel" was unnecessary. The Board agreed and deleted this phrase. Second, IRRC observed that § 73.188 (relating to hearings), although clearly prohibiting review and recommendation panel members from participating in subsequent deliberation and decisions did not speak to whether hearing panel members could participate in the Board's adjudication of the panel's case. IRRC suggested that they should be able to participate, a suggestion with which the Board agreed and regarding which the section was amended.

Several commentators addressed § 73.42(3), and most specifically as it relates to hospital-based allied health education programs. The Hospital Association of Pennsylvania, counsel to the Association and the House and Senate Education Committees all recommended that these programs be exempted from licensure. In fact, the House Education Committee suggested the addition of a separate subparagraph exempting these programs.

IRRC contended that these allied health programs "consisting of classes, where, for tuition, individuals receive resident instruction in preparation to pursue skilled occupations in hospitals, clinics or elsewhere in the health care field . . ." fall squarely within the statutory definition of a "private licensed school." In addition, however, IRRC opined that the Board's proposed exemption for "other service occupations" was too narrow and could be expanded to include all health service occupations whose primary function is to provide a public health service benefit. In this way, the concern of the hospitals could be addressed within the terms of existing law. Finally, and as a general matter, IRRC indicated that even the proposed amendments, in allowing flexibility to include occupations other than those specifically listed, presented a continued lack of clarity.

The Board carefully considered all of these comments, as well as the statutory intent of the exemption language. As a result, the Board opted to construe the statutory exemption narrowly and voted to revise § 73.42(3) to make the list of exempt occupations all inclusive. The Board did not add allied health occupations or other health service occupations providing a public service benefit to the listed exempt occupations. The Board felt that the general exemptions were contrary to the intent of the statute. In addition, training in these occupations is provided by private licensed schools, as well as hospitals. Moreover, the Board considered and recognized that several of the hospital-based programs either are not private licensed schools because they are not operated for profit or tuition or come within the free in-house training exemption of § 73.42(8).

Lastly, IRRC contended that § 73.42(4), proposing to exempt from licensure all schools regulated by licensing boards within the Department of State, went beyond the language of the applicable statute and required amendment thereof. Thus, this section was altered and limited to the barber and cosmetology schools specified in law.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the final rulemaking, which was published as proposed at 24 Pa.B. 5324 (October 22, 1994), and on June 20, 1996, delivered a copy thereof to IRRC and to the Chairpersons of the House and Senate Committees on Education for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were approved on June 20, 1996, by the Senate Education Committee and by the House Education Committee and were approved by IRRC on June 20, 1996, in accordance with section 5(c) of the Regulatory Review Act.

*Effective Date*

The amendments will go into effect when published as final.

*Statutory*

These amendments are adopted under section 14 of the act (24 P. S. § 6514).

*Contact Person*

The contact person is James G. Hobbs, Coordinating Secretary, State Board of Private Licensed Schools, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-8228, TDD (717) 783-8445.

*Fiscal Impact and Paperwork Requirements*

The only fiscal impact of these regulatory changes will be upon those entities that must now become licensed because the Board has defined the categories of exemption from licensure. A previously unlicensed entity will now have to pay the \$1,500 initial application fee and the site inspection user fee of \$250. After 1 year of operation biennial renewal fees are on the graduated scale based upon gross tuition revenue. These fees are already set in § 73.151 (relating to fees) and are being paid by all presently licensed private schools.

The opposition to these amendments of the Hospital Association of Pennsylvania is, in part, premised upon financial concerns. The association and its counsel, respectively, argued that licensure would cost association members between \$500,000 and \$375,000. For these estimates to be accurate, at a per hospital cost of \$1,750 to obtain a license, approximately 200 hospitals would have to be operating allied health programs. This is clearly not the case. The total number of hospitals in this Commonwealth is only 250. Of this number, according to informal information from the Department of Health, approximately one-third operate some form of education program in the area of allied health. Thus, even assuming that all of these programs constitute schools or classes that require licensure, the initial costs of becoming licensed would only be \$140,000 plus any costs associated with preparing the application and taking other steps that may be needed for licensure. Thus, the fiscal burden is certainly not what was projected and it is simply a start-up cost that is shared equally by all new private licensed schools in this Commonwealth.

As in the case of fiscal impact, those entities that now must apply for licensure will be subject to the existing rules regarding filing of applications and documents published for use by students.

*Findings*

The Board finds that:

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

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

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

*Order*

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

(a) The regulations of the Board, 22 Pa. Code Chapter 73, are amended by amending §§ 73.1, 73.41, 73.42, 73.184—73.188, 73.192 and 73.201 and by adding § 73.183a to read as set forth in Annex A.

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

(c) The Board 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*.

BARBARA SENIER,  
*Acting Commissioner,  
Office of Postsecondary and Higher Education*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 3237 (July 6, 1996).)*

**Fiscal Note:** Fiscal Note 6-253 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS**

**CHAPTER 73. GENERAL PROVISIONS**

**DEFINITIONS**

**§ 73.1. Definitions.**

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

*Act*—The Private Licensed Schools Act (24 P. S. §§ 6501—6518).

*Acting Director*—The individual responsible for assuming the Director's duties in the temporary absence of the Director.

*Board*—The State Board of Private Licensed Schools.



*Branch facility*—A school facility whether or not located at the administrative headquarters of a school. A school with one school facility has one branch facility.

*Certificate*—A document awarded by a school subject to this chapter upon the successful completion of a particular course.

*Chief executive officer*—The person ultimately responsible for all phases of the school operation, plant and program, including the method of instruction, the employment of instructors, the organization of classes, the equipment, the advertising used, the maintenance of proper administrative records and other matters related to the administration of the school. The chief executive officer and the director may be the same person.

*Clock hour*—A minimum of 50 minutes of instruction.

*Closure*—The situation which results when a school ceases to operate.

*Complaint*—A matter that has been reported to the review and recommendation panel under § 73.184 (relating to reporting of potential violations), has been investigated by Board staff and has been found to constitute a violation of the act or this chapter.

*Correspondence*—A systematic course or program of nonresident instruction.

*Course*—A unit of learning covering specific subject matter.

*Credit hour*—A unit of curricular material which normally can be taught in a minimum of 14 clock hours of instruction. For laboratory instruction, a credit hour represents a minimum of 28 clock hours. For shop instruction and practicum experiences, including externship/internship experiences, a credit hour represents a minimum of 42 clock hours.

*Degree*—A specialized associate degree awarded by a school with the approval of the Secretary under Chapter 42 (relating to program approval).

*Department*—The Department of Education of the Commonwealth.

*Diploma*—A document awarded by the school subject to this chapter upon the successful completion of an approved program.

*Director*—The person designated by a school directly responsible for the day-to-day operation of a school. The Director and the chief executive officer may be the same person.

*Educational supervisor*—An individual who reports to the director and supervises all or part of the instructional program in his curricular area.

*Hearing panel*—Three Board members, one of whom shall be a public member as defined by section 3(a) of the act (24 P. S. § 6503(a)), who preside over hearings requested by schools to contest enforcement actions and who submit proposed findings and recommendations to the full Board for its adjudication.

*Internship or externship*—A structured, supervised learning experience which takes place outside of the school and involves the practical application of competencies acquired during school-based instruction.

*Licensee*—A person or entity holding a license issued by the Board in accordance with the act.

*Mail*—Ordinary first class mail, United States Postal Service, ICC approved mail carrier or personal delivery, unless otherwise specified.

*Nonresident*—A student who is off the premises of a school facility receiving instruction by correspondence, telecommunication or similar means.

*Notice*—A written statement issued by the Board to a licensee or registrant or by a licensee or registrant to the Board.

*Prepaid tuition*—A sum of money received by a school from a student, or on behalf of a student, for which the period of the student's enrollment has not yet begun.

*Private licensed school sales office*—A permanent or temporary facility away from school premises to which an admissions representative reports or from which an admissions representative solicits or procures student enrollments.

*Program*—An approved series of organized courses.

*Registered school sales office*—A permanent or temporary facility in this Commonwealth of a registered school to which an admissions representative reports or from which an admissions representative solicits or procures student enrollments.

*Remote laboratory*—A detached facility for teaching practical application of theoretical instruction, such as a firing range for a security or private investigator program or kitchen facilities for a food service program.

*Reportable event*—A circumstance or occurrence as defined in § 73.201 (relating to reportable events) which takes place at a school or which pertains to the school, within the knowledge of the school's owner, director or chief executive officer.

*Resident*—A student who is regularly scheduled to be present at a school facility for the purposes of instruction, including attendance at approved externships, internships or field experience.

*Review and recommendation panel*—Three Board members, one of whom shall be a public member as defined by section 3(a) of the act, whose role is to perform or direct Board staff in the performance of the prosecutorial functions involved in an enforcement action against a school.

*School*—A private licensed school or registered school as defined in the act. An entity requiring a license or registration under the act. The term includes an instructional facility requiring a license when the facility has a different ownership of more than 25% or has a different director or is a separate and distinct legal entity from a licensee.

*Secretary*—The Secretary of the Department.

*Student*—A person enrolled in a school for the purpose of instruction.

*Teachout*—The continuation of instruction to complete the program or course, whenever the school's license has been suspended or revoked or a school has advised the Board that it intends to discontinue operations.

*Telecommunications*—Nonresident, systematic instruction by electronic or electromagnetic means.

*Unearned tuition*—The portion of tuition charges billed to students of a school but not yet earned by the school. These amounts represent future educational services to be rendered to presently enrolled students.

**LICENSING OF PRIVATE SCHOOLS AND ADMISSIONS REPRESENTATIVES**

**§ 73.41. Private licensed schools and admissions representatives.**

Schools and admissions representatives shall be licensed or registered under the act and this chapter. A school that trains or educates individuals so that they may pursue an occupation or career which is listed in the Dictionary of Occupational Titles (1991 edition) as amended or supplemented, unless specifically exempt from licensure under § 73.42 (relating to exemptions from licensure), shall obtain a license under the act and this chapter before operating, advertising or enrolling students. Individual classes or short courses offered by an entity which are ancillary to the sale, lease or use of a product and that provide training in the use of the product, as opposed to training to pursue an occupation or career, are not subject to licensure.

**§ 73.42. Exemptions from licensure.**

The following schools and their admissions representatives are exempt from licensure, except that they may elect to obtain an optional license under § 73.31 (relating to general):

- (1) A private academic school, which falls under the Private Academic Schools Act (24 P. S. §§ 6701—6721) and this part.
- (2) A school or class providing training for the vocation of homemaking. Schools or classes which fall into this category are those where the training is specifically designed and advertised as being for home use, as opposed to commercial or business use, and where students are instructed in areas such as cooking, nutrition, child care, consumerism and home decorating.
- (3) A school or class providing training in public service or other service occupations. Persons engaged in public service occupations are limited to ambulance personnel, emergency medical technicians, firefighters, police, school bus drivers and school crossing guards. Persons engaged in other service occupations are limited to maids, butlers and chauffeurs.
- (4) A barber school or a school of cosmetology.
- (5) A school that provides training or instruction in flying and which is being regulated by the Federal Aviation Administration.
- (6) A private tutorial school that provides individual instruction, including schools in music or dance or individual instruction by a private tutor in other areas.
- (7) A school authorized to award degrees under 24 Pa.C.S. § 6505 (relating to power to confer degrees), other than those schools approved to award specialized associate degrees under §§ 42.11—42.14 (relating to specialized associate degree programs approval procedure).
- (8) In-house programs of education or training, such as those provided free of charge by employers or trade unions to their employees or members.
- (9) A school owned and operated by a bona fide religious institution for the sole purpose of giving religious instruction.
- (10) A school operated by the Commonwealth or a political subdivision thereof, such as the Department of Education's Stevens State School of Technology, community colleges or area vocational technical schools.
- (11) A school which is operated by a hospital licensed under the Health Care Facilities Act (35 P. S.

§§ 448.101—448.904) and which is accredited by a regional or National accreditation agency.

**ENFORCEMENT, REFUSAL, SUSPENSION OR REVOCATION OF LICENSE**

**§ 73.183a. Prosecution of violations and other matters.**

Prosecution of suspected violations and of actions to refuse, suspend or revoke licenses or registrations will be under the direction and control of the review and recommendation panel. On or before July 1 of each year, the Board chairperson will appoint three Board members to serve on the review and recommendation panel from July 1 through June 30. Members of this panel shall be prohibited from serving on hearing panels under § 73.188 (relating to hearings). In addition, they shall recuse themselves at all times from service on a hearing panel and from Board deliberation and action on any matter that came before the review and recommendation panel during their time of service.

**§ 73.184. Reporting of potential violation.**

- (a) A suspected violation of the act or this chapter may be reported to Board staff.
- (b) The report will be investigated by the Board staff to determine if the action constitutes a violation of the act or this chapter.
- (c) If the violation is verified by Board staff as a complaint, it will be reported to the review and recommendation panel for disposition.
- (d) The review and recommendation panel will consider the report of Board staff and other relevant information and give specific instructions to the staff for the resolution of complaints.
- (e) A complaint which is not resolved to the satisfaction of the review and recommendation panel may subject the school to enforcement proceedings under §§ 73.181—73.193 (relating to enforcement, refusal, suspension or revocation of license).

**§ 73.185. Investigation procedure.**

The Board staff will investigate a possible violation of the act or this chapter. The investigation will, at a minimum, include interviewing both the complainant and a representative of the school and collecting relevant documents. Upon completion of the investigation, recommendations will be made to the school. The school's response to the recommendations will be monitored. If the Board staff determines that a violation has occurred and it has not been satisfied or corrected, staff will prepare a written report of its findings for submission to the review and recommendation panel. After consideration of the report, the review and recommendation panel will direct the staff to take appropriate action resolving the complaint or initiating enforcement proceedings.

**§ 73.186. Notice of violation.**

- (a) When the review and recommendation panel directs staff to initiate enforcement proceedings against a school or admissions representative, staff shall prepare and send an appropriate notice of violation. The notice of violation will state that the school may be in violation of the act or this chapter, the nature of the violation, the basis for the panels' conclusions and that the school or admissions representative may be subject to penalties in this chapter and a penalty for default. The violation shall be cured within the period specified in the notice or within 14-calendar days from the mailing date of the notice when a period is not specified.

(b) The notice will be served upon the school by United States Postal Service certified mail, return receipt requested and is effective from the date of the notice.

(c) Within the cure period, the school or admissions representative shall provide to the Board staff a sworn or verified written statement stating that the violation has been cured or did not exist and the facts which establish the same. Upon receipt of the statement, staff will refer it to the review and recommendation panel. At the direction of the panel, Board staff will either notify the school in writing that the statement is accepted and that the complaint is closed or that the statement is rejected and that the school should show cause why enforcement action should not be taken. In the latter case, the school or admissions representative has 14-calendar days from the mailing date of the notification to request a hearing. The request shall be in writing and addressed to the Coordinating Secretary of the Board.

**§ 73.187. Notice of civil penalty.**

A school which has received a notice of violation, has not responded or has not responded to the satisfaction of the review and recommendation panel and has not requested a hearing within the time prescribed, is liable to a levy of civil penalty or conviction of a summary offense.

**§ 73.188. Hearings.**

(a) *General.* A hearing requested before the Board will be conducted under the procedures in 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(b) *Scheduling.* Upon receipt of a request for a hearing, the Board will establish a hearing date and provide the requesting party reasonable notice of the date, time and place of the hearing.

(c) *Panel.* The Board will empanel three of its members to conduct a hearing. The hearing panel will hear the evidence and submit written findings and recommendations to the Board. The hearing panel may not include any member of the review and recommendation panel that reviewed and directed the prosecution of the case.

(d) *Briefs and argument.* The parties to the hearing may submit briefs to the Board and may request the opportunity to present oral argument before the full Board.

(e) *Adjudication.* After consideration of the hearing panel's findings and recommendation, and briefs or oral arguments, the Board will vote on the matter and reduce its decision to writing. The Board members who served on the review and recommendation panel for the matter being considered by the Board shall recuse themselves from the discussion, consideration and voting on the matter. Hearing panel members may participate in the Board's adjudication of the matter heard by the panel. The Board's written decision will contain findings of fact, conclusions of law and discussion thereof. The Board's written decision and an accompanying order describing the disciplinary action taken in connection therewith, will be sent to all parties by United States Postal Service certified mail, return receipt requested, and is effective as of the date of mailing. The written decision of the Board constitutes an adjudication within the meaning of 2 Pa.C.S. § 101 (relating to definitions) and may be appealed under 2 Pa.C.S. § 702 (relating to appeals). If the Board adjudication is not appealed, it will be deemed final.

**§ 73.192. Violation by unlicensed or unregistered person or entity.**

(a) Upon determination by the review and recommendation panel that an unlicensed or unregistered activity has occurred or is occurring, the panel may direct staff to serve upon the person or entity a notice of unlicensed or unregistered activity. The notice will require the person or entity to cease and desist from the activity under specified sections of the act or this chapter proscribing the activity, or the person or entity will be liable to pay a civil penalty of not more than \$1,000 and will be liable to prosecution for a summary offense punishable by a maximum fine of \$300. The notice will state that if a hearing is not requested within 24 hours of receipt of the notice, the notice shall constitute a final adjudication by the Board.

(b) A person or entity who engages in an unlicensed or unregistered activity and fails to obey or otherwise respond to a notice to cease and desist from the activity under this section or fails to obey or otherwise respond to the processes of a judicial district of this Commonwealth or a subpoena of the Attorney General will be refused a license by the Board for at least 5 years from the mailing date of the notice of unlicensed or unregistered activity.

**REPORTABLE EVENTS**

**§ 73.201. Reportable events.**

(a) A school is required to notify Board staff of an event which is reportable under this chapter.

(1) No particular form of notice is required by the Board.

(2) A notice shall be in writing and mailed to Board staff.

(3) An event shall be deemed reported when the written notice is deposited in the mail.

(4) A notice of a reportable event shall be made to the Board within 48 hours from the date the school knew or should have known of the occurrence of the event.

(5) Failure by a school to report an event within the time prescribed by this section is a violation.

(b) The following are reportable events:

(1) The financial condition of the school has changed materially as the term "material change" is understood in accordance with standard accounting practice.

(2) The school's form of surety has or is about to lapse or the level of surety has become insufficient to protect the contractual rights of students.

(3) The school is the named voluntary debtor in a petition in bankruptcy filed under 11 U.S.C.A. §§ 101—1330, known as the Federal Bankruptcy Act, or has made an assignment for the benefit of creditors or has become insolvent. If a licensee is named as an involuntary debtor, the licensee shall notify the Board when a court of appropriate jurisdiction declares the licensee bankrupt.

(4) The school has been notified of a building code violation affecting the health and safety of its occupants.

(5) The school has been notified that the licensed premises are endangered by an environmental hazard.

(6) The school is to be subject to a Title IV—section 487(c) of the Higher Education Act of 1965 (20 U.S.C.A. § 1094)—audit initiated by the United States General Accounting Office.

(7) Another event in a section of this chapter which imposes on a school an obligation to notify the Board, subject to the specific reporting requirements of the section.

[Pa.B. Doc. No. 96-1474. Filed for public inspection September 6, 1996, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [58 PA. CODE CHS. 135, 139 and 141]

#### Lands and Buildings, Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), on June 25, 1996, adopted the following changes:

Amending § 135.107 (relating to Middle Creek Wildlife Management Area) to provide more flexibility in the administration of the Middle Creek Wildlife Management Area (MCWMA) and to provide for some additional recreational activities through special hunting opportunities on the area.

Amending § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 1996-1997 hunting license year.

Amending § 141.1 (relating to special regulations areas) to provide adequate flexibility for the controlling of deer by political subdivisions issued a deer control permit and located within the Special Regulations Areas by adding new language to allow the use of rifles and single-projectile ammunition specifically for deer control purposes within the Special Regulations Areas.

Amending § 141.23 (relating to nontoxic shot) to restrict the shot size of nontoxic shot used to hunt waterfowl in this Commonwealth.

Amending § 141.25 (relating to early and late goose hunting seasons) to permit the taking of Canada geese until September 25 Statewide.

Adding §§ 141.26 and 141.27 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area; and early Canada goose hunting season on Pymatuning Wildlife Management Area) to better utilize the controlled hunting areas at the MCWMA, as well as the Pymatuning Wildlife Management Area (PWMA) and to fall into place with our existing language that establishes the early and late Canada goose hunting season.

Amending § 141.45 to provide for the use of shotguns and bows and arrows only in Turkey Management Area 1 and Turkey Management Area 9.

Amending § 141.61 (relating to trapping hours) to permit the removal of traps by trappers no later than sunset on the last day of the trapping season, instead of the 12 noon time currently provided for.

These amendments are necessary to properly manage the wildlife resources of this Commonwealth and will have no adverse effect on the resources.

These amendments were made public at the January 23, 1996, meeting of the Commission. The notice of proposed rulemaking was set forth at 26 Pa.B. 907 (March 2, 1996) and 26 Pa.B. 1354 (March 30, 1996).

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

#### Amendment to § 135.107

##### 1. Introduction

To provide more flexibility in the administration of the MCWMA and to provide additional recreational opportunities, the Commission at its January 23, 1996, meeting proposed, and at its June 25, 1996, finally adopted amendments to § 135.107 to allow closing of roadways and trails utilizing gates, to control shot size for small game and waterfowl hunting and to provide for special rabbit and squirrel hunts.

##### 2. Purpose and Authority

Section 135.107 currently does not permit fishing or special rabbit or squirrel hunts in controlled hunting areas on the MCWMA nor does it regulate shot sizes for hunting small game and waterfowl on the MCWMA. The Commission has decided that these activities can be safely conducted by permit only in the controlled hunting areas with limitations on shot size. These amendments are adopted under the authority contained in section 721(a) of the code (relating to control of property) which requires the Commission to promulgate regulations necessary to properly manage State game lands.

##### 3. Regulatory Requirements

The amendments require the obtaining of a permit prior to fishing or participating in special rabbit or squirrel hunts in controlled hunting areas of the MCWMA. The changes would also permit closing of roads to all entry by closing of gates and require that nontoxic shot no larger than #4 Bismuth/tin and #2 steel be used in hunting small game in the controlled and propagation areas and no larger than Size "T" to hunt waterfowl.

##### 4. Persons Affected

Persons wishing to use the MCWMA may be affected by the changes.

##### 5. Comment and Response Summary

No written comments were received.

##### 6. Cost and Paperwork Requirements

Persons wishing to fish or hunt squirrels or rabbits in controlled hunting areas of the MCWMA would need to first obtain a permit at no cost. It is anticipated that the number of those permits will be fairly small.

##### 7. Effective Date

These changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### Amendment to § 139.4

##### 1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 23, 1996, meeting proposed and at its June 25, 1996, meeting finally adopted an amendment to § 139.4 to provide for seasons and bag limits for the 1996-1997 license year. Notable changes for the 1996-1997 year are the splitting of Turkey Management Area 1 into Areas 1A and 1B, the creation of a special squirrel season for junior license holders and the starting of trapping season one week later. Also the snowshoe hare season will be extended by 4 days and the spring turkey season will be extended by 2 days.

##### 2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section

322 of the code (relating to power and duties of Commission) specifically empowers the Commission to "... fix seasons... and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code (relating to regulations) mandates that the Commission promulgate regulations relating to seasons and bag limits. To encourage junior hunters, the Commission has decided to establish a special early squirrel season for junior license holders. In addition, because of the more developed nature of Erie and Crawford Counties, the Commission has decided to establish those counties as a separate Turkey Management Area (1-B) for the future, but Turkey Management Areas 1-A and 1-B will have the same seasons for the 1996 license year. Finally, the amendment involves the starting of trapping season on the traditional Thanksgiving, 1 week later than last year, the snowshoe hare season will be extended by 4 days and the spring turkey season will be shortened by 2 days, to provide for a Saturday opening day.

### 3. *Regulatory Requirements*

These seasons and bag limits establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

### 4. *Persons Affected*

Persons wishing to hunt and trap in this Commonwealth will be affected by these seasons and bag limits.

### 5. *Comment and Response Summary*

No written comments were received. The Commission had received a great deal of input prior to proposing the seasons and bag limits.

### 6. *Cost and Paperwork Requirements*

The new seasons and bag limits will not result in additional cost either to the Commission or to hunters and furtakers.

### 7. *Effective Dates*

The amendments are in effect from July 1, 1996, to June 30, 1997.

#### *Amendment to § 141.1*

##### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission at a meeting held on January 23, 1996, proposed, and at its June 25, 1996, meeting finally adopted, an amendment to § 141.1 to create an exception which would allow employees and agents of municipalities holding valid deer control permits to kill deer with rifles firing single projectile ammunition in the special regulations areas.

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

Currently, § 141.1 makes it unlawful to kill wildlife in special regulations areas with single projectile ammunition. The purpose behind issuing deer control permits to municipalities is to reduce deer populations in the most efficient manner possible. The changes will provide an option under appropriate circumstances to achieve this purpose while still insuring safety.

Section 322(c)(5) of the code empowers the Commission to fix the type and number of devices which may be used to take game or wildlife. Section 2102(b) of the code authorizes the Commission to promulgate regulations relating to these devices. The changes are adopted under this authority.

### 3. *Regulatory Requirements*

The adopted changes will not result in additional regulatory requirements.

### 4. *Persons Affected*

Municipalities with deer control permits will be affected by the changes.

### 5. *Comment and Response Summary*

No written comments were received.

### 6. *Cost and Paperwork Requirements*

The changes will not result in additional cost or paperwork.

### 7. *Effective Date*

These changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### *Amendment to § 141.23.*

##### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 1996, meeting proposed, and at its June 25, 1996, meeting finally adopted an amendment to § 141.23 to permit the use of any shot composition and size up to "T" approved by the Secretary of the United States Fish and Wildlife Service (USFWS) to hunt migratory waterfowl in this Commonwealth.

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

The Commission has the authority under section 2102(a) of the code to "... promulgate such regulations as it seems necessary and appropriate concerning game and wildlife..." Section 322 of the code specifically empowers the Commission to "fix the type and number of devices which may be used to take game or wildlife."

The amendment broadens the language of § 141.25 to permit the lawful use of shot composition and cartridge lengths approved by the Director of the USFWS in the future to hunt migratory waterfowl. The changes also put a maximum lawful size limit on the shot of "T."

### 3. *Regulatory Requirements*

The change permits the lawful use of shot compositions and cartridge lengths to hunt migratory waterfowl in this Commonwealth so long as they are approved by the Director of the USFWS.

### 4. *Persons Affected*

Persons wishing to hunt waterfowl in this Commonwealth will be affected.

### 5. *Comment and Response Summary*

No written comments were received.

### 6. *Cost and Paperwork*

The change will not result in additional cost either to the Commission or to hunters.

### 7. *Effective Dates*

The change is effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### *Amendment to § 141.25*

##### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 23, 1996,

meeting proposed, and at its June 25, 1996, meeting finally adopted, changing § 141.25 to extend the early Canada goose hunting season an additional 10 days.

2. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Because concerns about the migratory goose populations will likely result in no regular goose hunting season in this Commonwealth, extension of the early season, which targets resident geese, should help to control resident populations. This should result in a reduction in nuisance goose complaints.

3. *Regulatory Requirements*

These changes make it lawful to hunt Canada Geese in this Commonwealth during an additional 10-day period.

4. *Persons Affected*

Persons wishing to hunt geese in this Commonwealth will be affected by the change.

5. *Comment and Response Summary*

No written comments were received.

6. *Cost and Paperwork Requirements*

The change will not result in additional costs, either to the Commission or to hunters or furtakers.

7. *Effective Date*

The changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*Addition of §§ 141.26 and 141.27*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 1996, meeting proposed, and at its June 25, 1996, meeting finally adopted §§ 141.26 and 141.27. These sections provide procedures to have goose hunting during the early goose season (§ 141.25) at the MCWMA and PWMA when the USFWS closes the regular goose hunting season.

2. *Purpose and Authority*

Because of concerns about a dramatic drop in migratory Canada goose populations, the USFWS closed the regular 1995 goose hunting season in all but four counties in northwestern Pennsylvania. As a result, the provisions for controlled goose hunting at the MCWMA and PWMA contained in § 135.103 (relating to registration for controlled goose hunting areas) could not be implemented. At the same time, resident Canada goose populations have been increasing throughout this Commonwealth since the 1970's. Associated with these increases have been increases in crop damage and nuisance complaints. The experimental early and late Canada goose seasons started in 1992 were successful in harvesting nuisance geese and providing additional recreational opportunities.

The changes would give the Commission the option of having goose hunting during the early goose season at the MCWMA and PWMA if the USFWS closes the regular goose hunting season. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits. Section 721(a) of the code

(relating to control of property) authorizes the Commission to adopt regulations to manage lands and waters under its control. Both of these sections authorize the adoption of §§ 141.26 and 141.27.

3. *Regulatory Requirements*

The changes will not involve any additional regulatory requirements beyond what is already in § 135.103.

4. *Persons Affected*

Persons wishing to hunt Canada Geese in this Commonwealth in the early season at the MCWMA or PWMA will be affected by these additions.

5. *Comment and Response Summary*

No written comments were received.

6. *Cost and Paperwork Requirements*

There are no requirements beyond what has been already established.

7. *Effective Dates*

These changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*Amendment to § 141.45*

1. *Introduction*

To provide for the health and safety of hunters and to more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 23, 1996, meeting proposed, and at its June 25, 1996, meeting finally adopted, an amendment to § 141.45 to prohibit the use of rifles and single projectile ammunition except bows and arrows for taking wild turkey during the fall season in Turkey Management Area 9.

2. *Purpose and Authority*

At its October 3, 1995, meeting, the Commission decided that wild turkey populations in part of Turkey Management Area 9 are sufficient to permit a fall turkey hunting season. Because of density of development in these areas, however, it was decided that safety required excluding rifles and single projectile ammunition except bows and arrows. The change accomplishes this purpose.

Section 2102(b) of the code directs the Commission to "... promulgate regulations relating to seasons and bag limits for hunting and furtaking... and the use and possession of devices." That section provides authority for this change in § 141.45.

3. *Regulatory Requirements*

The amendment will prohibit the use of rifles and single projectile ammunition except bows and arrows to hunt wild turkeys during the fall season in Turkey Management Area 9.

4. *Persons Affected*

Those wishing to hunt turkeys during the fall season in Turkey Management Area 9 will be affected by the change.

5. *Comment and Response Summary*

No written comments were received.

6. *Cost and Paperwork Requirements*

The amendment will not result in any additional cost either to the Commission or to hunters.

7. *Effective Date*

The amendment will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*Amendment to § 141.61*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at a meeting held on January 23, 1996, proposed, and at its June 25, 1996, meeting finally adopted an amendment to § 141.61 to allow trappers until sunset on the closing day to remove their traps.

2. *Purpose and Authority*

Section 141.61 currently requires trappers to remove their traps by noon of the closing day of the season. This can be burdensome on individuals with extensive trap lines. Because the impact on the wildlife resources of moving the closing time to later is negligible, the Commission has decided to move the deadline to sunset.

Section 322(c)(1) of the code empowers the Commission to fix daily shooting or taking hours. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to furtaking in this Commonwealth. The change is adopted under these provisions.

3. *Regulatory Requirements*

The amendment will relax regulatory requirements.

4. *Persons Affected*

Individuals wishing to trap in this Commonwealth will be affected by the change.

5. *Comment and Response Summary*

No written comments were received.

6. *Cost and Paperwork Requirements*

The amendment will not result in additional cost either to the Commission or to hunters.

7. *Effective Date*

The amendment will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*Contact Person*

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

*Findings*

The Commission finds that:

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

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

*Order*

The Commission, acting under its authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 135, 139 and 141, are amended by amending §§ 135.107, 141.23, 141.45, 141.61 and by adding §§ 141.26 and 141.27 to read as set forth at 26 Pa.B. 1354 (March 30, 1996) and by amending §§ 139.4, 141.1 and 141.25 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 26 Pa.B. 1354 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director of the Commission shall certify this order, 26 Pa.B. 1354 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DONALD C. MADL,  
*Executive Director*

**Fiscal Note:** Fiscal Notes 48-92 and 48-93 remain valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**1996-1997 OPEN HUNTING AND FURTAKING SEASONS, DAILY BAG LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT**

**OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—Red, Gray, Black and Fox (Combined)—Junior hunting license holders only when properly accompanied as required by law	Oct. 12	Oct. 14	6	12
Squirrels—Red, Gray, Black and Fox (Combined)	Oct. 19	Nov. 30	6	12
	and	Jan. 25, 1997		
	Dec. 26			

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Ruffed Grouse (Statewide)	Oct. 19		Nov. 30	2	4
		and			
	Dec. 26		Jan. 25, 1997		
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted “RESEARCH AREA—NO GROUSE HUNTING”					
Rabbits, Cottontail	Nov. 2		Nov. 30	4	8
		and			
	Dec. 26		Feb. 8, 1997		
Ringneck Pheasant—Male only	Nov. 2		Nov. 30	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Nov. 2		Nov. 30	2	4
		and			
	Dec. 26		Jan. 25, 1997		
Pheasant—Male only in that portion of Mercer County west of Interstate 79 and north of Interstate 80	Nov. 2		Nov. 30	2	4
Pheasant—There is no open season for the taking of pheasants in those areas designated and defined as Pheasant Restoration Areas A, B, C, D, E and F					
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Nov. 2		Nov. 30	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26, 1996		Jan. 1, 1997	2	4
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season			Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female					
Management Areas #1-A & 1-B	Nov. 2		Nov. 9	1	1
Management Areas #2, 3, 4, 5, 6, 7-A & 8	Nov. 2		Nov. 16	1	1
Management Area #7-B	Nov. 2		Nov. 9	1	1
Management Area #9-A	Closed to fall turkey hunting				
Management Area #9-B	Nov. 4		Nov. 8	1	1
Turkey (Spring Gobbler) Statewide Bearded Bird only	May 3, 1997		May 31, 1997	1	1

**MIGRATORY GAME BIRDS**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. § 703 et seq.) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 5		Dec. 1		Unlimited
		and			
	Dec. 27		Mar. 30, 1997		



<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season			Unlimited

**FALCONRY**

Squirrels—Red, Gray, Black and Fox (Combined)	Sep. 2	Mar. 29, 1997	6	12
Quail	Sep. 2	Mar. 29, 1997	4	8
Ruffed Grouse	Sep. 2	Mar. 29, 1997	2	4
Cottontail Rabbits	Sep. 2	Mar. 29, 1997	4	8
Snowshoe or Varying Hare	Sep. 2	Mar. 29, 1997	2	4
Ringneck Pheasant—Male and Female (Combined)	Sep. 2	Mar. 29, 1997	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<b>DEER</b>				
Deer (Archery), Antlered or Antlerless with the appropriate license	Oct. 5	Nov. 16	1 Per Day	One antlered.** Three antlerless deer with required antlerless deer licenses
	Dec. 26	Jan. 11, 1997		
Deer (Buck), Statewide, Antlered with 2 or more points to an antler or a spike 3 or more inches long	Dec. 2	Dec. 14	1 Per Day	One antlered.**
Deer (Doe) Antlerless (Statewide)	Dec. 16	Dec. 18	1 Per Day	
Deer (Doe) Antlerless (Presque Isle State Park, Erie County)	Dec. 11	Dec. 13	One antlered deer.** One antlerless deer with each required deer license.	
Deer (Muzzleloading Firearms), (Flintlock only) Antlered or Antlerless	Dec. 26	Jan. 11, 1997	1 Per Day	
Deer (Doe) Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Dec. 2	Dec. 14	One antlerless deer with each required antlerless license.	
Deer (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County) Antlerless	Hunting is permitted on days established by the United States Department of the Army		One antlerless deer with each required antlerless license.	

**SPECIAL REGULATIONS AREAS  
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

Deer (Buck), Antlered	Dec. 2	Dec. 14	One antlered deer.**
Deer (Doe), Antlerless	Dec. 2	Dec. 21	One antlerless deer with each required antlerless deer license.
	Dec. 26	Jan. 11, 1997	

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
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**BEAR**

Bear, any age	Nov. 25	Nov. 27	1	1
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**FURTAKING—TRAPPING**

Minks and Muskrats—Statewide	Nov. 28	Jan. 12, 1997		Unlimited
Beaver—Statewide	Dec. 14	Jan. 26, 1997		
Zones 1, 2 & 3 (except Bradford, Susquehanna and Wayne Counties)			10	20
Bradford, Susquehanna and Wayne Counties			10	40
Zone 4 & 5			10	10
Zone 6			6	6

If beaver harvest goals are not met for each zone during the early season, a spring season extension will be announced for respective zones not meeting harvest goals.

Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 9	Feb. 16, 1997		Unlimited
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**FURTAKING—HUNTING**

Coyotes, Opossums, Skunks, Weasels—Statewide	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.		Unlimited
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Raccoons and Foxes—Statewide	Oct. 9	Feb. 16, 1997		Unlimited
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**No open seasons on other wild birds or wild mammals.**

**\*\*Only one antlered deer (buck) may be taken during all seasons of the hunting license year.**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.1. Special regulations areas.**

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) It is unlawful to take, kill or attempt to take or kill wildlife through the use of a rifle of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employes of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to hunt or kill wildlife in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, with a firearm that discharges a single projectile or to possess single-projectile ammunition.

(d) *Permitted acts.* It is lawful to:

(1) Hunt and kill deer through the use of a muzzleloading long gun or a shotgun, at least 20 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Use buckshot in designated parts of Philadelphia with authorization of the Director.

(3) Use a shotgun at least 20 gauge—including semiautomatic—with buckshot ammunition only, to take deer within the boundary of Ridley Creek State Park and Tyler State Park.

(4) Take deer with a shotgun using buckshot in the Southeast area only.

(5) Take small game, furbearing animals, crows or wildlife with a manually operated .22 caliber rimfire rifle or handgun.

(6) Kill an animal legally caught in a trap with a manually operated .22 caliber rimfire rifle or handgun while trapping.

**Subchapter B. SMALL GAME**

**§ 141.25. Early and late goose hunting seasons.**

(a) *Early season and description.*

(1) Subject to approval of the United States Fish and Wildlife Service, there will be an early Canada goose hunting season starting on September 1 (except when Sunday, then September 2), and ending on September 25 (except when Sunday, then September 24) Statewide.

Geese may be taken on the Pymatuning State Park Reservoir and an area to extend 100 yards inland from the shoreline of the reservoir excluding the area east of L.R. 20006.

(2) Geese may not be taken in that portion of Crawford County which is in the area south of Route 6 from the Ohio line to its intersection with Route 322 in the town of Conneaut Lake and north of Route 322 west to the Ohio line, or in Lancaster/Lebanon Counties in the area east of S. R. 501 from Shaefferstown to the Pa. Turnpike, north of the Pa. Turnpike to S. R. 272, west of S. R. 272 to S. R. 897, and south of S. R. 897 to Shaefferstown, referred to as closed areas.

(3) *Bag limit.* There is a daily bag limit of three and a possession limit of six with the exception of the closed areas in Crawford and Lancaster/Lebanon Counties.

(b) *Bag limit, late season and description.* There is a daily bag limit of five and a possession limit of ten geese. Subject to approval of the United States Fish and Wildlife Service, there is a late Canada goose hunting season beginning on January 20 (except when Sunday, then January 21), and ending February 5 (except when Sunday, then February 4), on and within 5 miles of the Susquehanna, West Branch of the Susquehanna and Juniata Rivers and designated bridges. Designated bridges are the Interstate Route 76 bridge on the south, the State Route 103 bridge at Lewistown on the west, the Constitution Bridge at Lock Haven on the northwest and the Interstate Route 80 bridge on the northeast. Portions of the following counties are included: Clinton, Columbia, Cumberland, Dauphin, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Union and York.

(c) *Shooting hours.* Shooting hours for goose hunting during the early and late goose hunting seasons is 1/2 hour before sunrise to sunset.

(d) *Permit required.*

(1) Licensed hunters wishing to hunt Canada geese during the early or late season shall obtain a permit and

goose harvest report card for the respective season in one of the following ways:

(i) By sending their name, address and telephone number together with a self-addressed stamped envelope to the Harrisburg Office of the Commission.

(ii) By submitting their name, address and telephone number at the sales counter of the Commission's Harrisburg Office or one of its regional offices.

(2) Early and late goose hunting permits will be issued free-of-charge.

(3) Individuals hunting geese during the early or late goose season shall have in their possession a valid Pennsylvania hunting license, the appropriate early or late goose hunting permit and a Migratory Bird Hunting and Conservation (Duck) Stamp, if they are 16 years of age or older.

(4) Recipients of early and late goose hunting permits shall return a properly completed goose harvest report card to the Harrisburg Office of the Commission within 10 days following the close of the respective early and late seasons. Failure to return a properly completed goose harvest report card could result in the loss of eligibility to receive future early or late goose season permits.

(e) *Unlawful acts.* It is unlawful to:

(1) Hunt Canada geese during the early or late goose hunting seasons inside the boundaries of the closed area.

(2) Hunt Canada geese during the early or late goose hunting seasons without the required permit for the respective season.

(3) Fail to return the goose harvest report card within the allotted time, even if no harvest occurred.

(4) Provide false information on the goose harvest report card.

[Pa.B. Doc. No. 96-1475. Filed for public inspection September 6, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

### Retirement Pensions and Annuities

The Bureau of Unemployment Compensation Benefits and Allowances of the Department of Labor and Industry (Department) proposes to amend Subchapter E (relating to eligibility in conjunction with other payments) to read as set forth in Annex A.

#### *Statutory Authority*

These amendments are proposed under section 201(a) of the Pennsylvania Unemployment Compensation Law (act) (43 P. S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the act.

#### *Contact Person*

Questions and comments about the proposed rulemaking may be directed to Pete Cope, Director, Bureau of Unemployment Compensation Benefits and Allowances, Room 615, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121 at (717) 787-3547, within 30 days of publication of this proposal.

#### *Purpose of Rulemaking*

The purpose of the proposed rulemaking is to bring the pension and annuities section of the unemployment compensation (UC) regulations into conformity with the United States Department of Labor's (USDOL) interpretation of the Federal Unemployment Tax Act (26 U.S.C.A. § 3301 et seq.) (FUTA).

Most important of the changes that USDOL requires is the proposed deletion of § 65.103 (relating to separation prior to retirement date) which provides that periodic payments made under a retirement plan to individuals who are permanently and involuntarily separated prior to retirement age are not deductible from UC benefits.

#### *Summary of Proposed Rulemaking*

The proposed amendments will accomplish several objectives which USDOL believes will bring them into conformity with section 3304(a)(15) of FUTA.

The amendments will remove the \$40 per week floor on that portion of pensions which may be deducted from UC benefits, and provide clarification indicating that all periodic payments meeting specified Federal requirements, which are made under a retirement plan, are deductible.

#### *Paperwork Requirements*

No new paperwork is required.

#### *Fiscal Impact*

The UC system is funded by the Federal government. The emergence of a conformity issue could have substantial impact on the Commonwealth. If the Commonwealth does not delete § 65.103 and is found to be out of conformity with Federal law, the Secretary of USDOL could seek to withdraw certification from the Commonwealth, which would abrogate funding for both the UC system and job centers. In addition, employers within this

Commonwealth could lose the Federal tax credits to which they are entitled by virtue of their payment of State UC taxes.

The fiscal impact of the amendments is difficult to ascertain. Employers would benefit from the fact that payments made under § 65.103 would be deducted from UC. The reverse holds for affected employees. It is hard to know the numbers of employers and employees who would be affected by the changes and the impact, if any, that the amendments would have on the UC Trust Fund, but it appears that the increase in deductibility of these payments may have some positive impact on the UC Trust Fund. There would be no increase in administrative costs.

#### *Sunset Date*

These proposed regulations will be monitored through practice and application. No sunset date is designated.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 27, 1996, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

JOHNNY J. BUTLER,  
*Secretary*

**Fiscal Note:** 12-44. No fiscal impact; (8) recommends adoption.

#### Annex A

**TITLE 34. LABOR AND INDUSTRY**  
**PART II. EMPLOYMENT SECURITY**  
**CHAPTER 65. EMPLOYEE PROVISIONS**  
**Subchapter E. ELIGIBILITY IN CONJUNCTION**  
**WITH OTHER PAYMENTS**  
**RETIREMENT PENSIONS AND ANNUITIES**

#### **§ 65.101. Purpose.**

**[The purpose of]** In accordance with section 3304(a)(15) of the Federal Unemployment Tax Act (FUTA) and section 404(d)(2) of the law (43 P. S. § 804(d)(2)) **[with regard to]** the Department will deduct from the weekly compensation otherwise payable to a claimant those retirement pensions **[or]**, annuities **[shall be to offset that portion of retirement pensions which exceed \$40 per week and are financed in whole or in part by base-year**

employers ], or other similar periodic payments which are paid to a claimant under a plan maintained or contributed to by the claimant's base period or chargeable employer, are based on the claimant's previous work, and are reasonably attributable to that week.

**§ 65.102. Application of the deduction.**

[ The deduction shall apply only with regard to retirement pensions, annuities and disability retirement pensions. This does not include payments made under profit-sharing plans which are not designated as retirement pension payments and as payable for any specific period or periods of unemployment due to retirement, nor does it include social security disability pensions, workmen's compensation payments, temporary disability payments administered by a union or an employer, disability payments made under an employer's insurance plan or Veterans Administration disability compensation. ]

(a) The Department will deduct periodic payments if they represent retirement pensions, annuities or other similar payments made under a retirement or pension plan maintained or contributed to by a base period or chargeable employer.

(b) The Department will deduct only that amount of the periodic payment which is reasonably attributable to the same week for which compensation is payable to the claimant.

(c) The Department will deduct Social Security payments which are based upon the claimant's previous work. This will include Social Security payments made on account of age, disability or self-employment.

(1) The Department will not deduct Social Security payments which are not based on the claimant's previous work, such as Supplemental Security Income.

(2) The Department will deduct pensions paid under the Social Security Act (42 U.S.C.A. §§ 301—1397e) and the Railroad Retirement Act of 1974 (45 U.S.C.A. §§ 231—231s) if the claimant's base year employer contributed to the pension plan. The pensions are deductible irrespective of whether the claimant's base year employment affected the eligibility for, or increased the amount of, the pension.

(d) The Department will not deduct periodic payments which are made under severance agreements, profit sharing arrangements or disability plans administered by a union, employer, workers' compensation carrier, insurance company or the Veterans Administration, unless the payments are based on retirement and fulfill the other prerequisites specified in this chapter.

(e) The Department will make no deduction for a week in which the claimant is eligible for the periodic payments but receives no payment reasonably attributable to that week.

**§ 65.103. [Separation prior to retirement date] (Reserved).**

[ (a) When an employe has accumulated certain moneys, rights or equities under a retirement pension or annuity plan but is permanently and involuntarily separated from his employment prior to

retirement date, and payment is made to him from the moneys or in liquidation of his rights or equities, that payment may not constitute a retirement pension or annuity within the meaning of section 404(d)(4)(iii) of the law (43 P. S. § 804(d)(4)(iii)) nor may it be considered a deductible wage replacement under any other provision of the law.

(b) Subsection (a) applies whether the payment is made in a lump sum or in installments.

(c) For the purposes of this section, the phrase "prior to retirement date" means prior to the claimant's attainment of the age specified in the retirement plan or program at which the employe may be retired with full or reduced pension rights. ]

**§ 65.104. Initial payments.**

(a) When, following the retirement of an employe and, as part of a general pension plan, an initial payment is made in lieu of or in addition to the regular pension amount to which the employe is entitled, the initial payment [ shall ] will be considered a pension payment, and will be subject to this chapter.

(b) [ The deduction of this initial pension amount in accordance with § 65.101 (relating to purpose) shall, in the case of lump-sum payments, be allocated on a weekly basis for the number of weeks the payment represents in weekly wages. ] Initial payments are independent of regular pension payments. To the extent that they meet the requirements for deductibility in this chapter, the Department will deduct them from compensation otherwise payable to a claimant even if the claimant's regular pension payments are not deductible. The Department will not deduct initial payments if they do not meet the requirements for deductibility in this chapter, even if the claimant's regular pension payments are deductible.

(c) When the [ entitlement to the initial employer pension payment is reduced by reason of the prior receipt of vacation or other payments, only such reduced amount as that to which the employe is entitled shall be deductible ] initial payment includes an amount paid for any reason other than pension, including unused vacation, only that amount which is attributable to the pension will be deductible.

(d) The deduction of this initial pension amount will, in the case of lump-sums, be calculated by dividing the initial pension amount by the number of weeks for which the pension is paid. The number of weeks attributable to unused vacation or other payments will not be used in determining the weekly pension amount to be deducted. The result of this calculation, if not a multiple of \$1, will be computed to the next higher multiple of \$1 and will be considered the prorated weekly deductible amount of the initial payment and is the amount by which the weekly benefit rate will be reduced, but not below zero.

**§ 65.105. Lump-sum retirement payments.**

[ Where ] (a) When an employe [ , at retirement, ] exercises the option of receiving a lump-sum payment in lieu of a [ monthly retirement ] periodic pension payment, the [ monthly retirement ] calculated weekly pension amount which the employe could have

received [ shall ] will be deducted in accordance with [ § 65.101 (relating to purpose), provided, however, that where the lump-sum payment is mandatory, no deduction shall be made ] this chapter.

(b) When the lump-sum payment is mandatory because the claimant did not have the option of receiving a periodic pension payment, no pension deduction will be made.

**§ 65.108. Rules of attribution.**

If the pension, retirement, annuity or other similar periodic payment deductible under section 404(d)(2) of the law (43 P. S. § 804(d)(2)) is received on other than a weekly basis, the amount thereof will be prorated as follows:

The amount of the pension, retirement or other similar periodic payment will be calculated to a yearly amount. The calculated yearly amount of the payment will be divided by 52, the number of weeks in a year. The result of this calculation, if not a multiple of \$1, will be computed to the next higher multiple of \$1, and will be considered the prorated weekly deductible amount of the pension and is the amount by which the weekly benefit rate will be reduced, but not below zero.

[Pa.B. Doc. No. 96-1476. Filed for public inspection September 6, 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 27, 1996.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-19-96	Citizens Bank & Trust Company Palmerton Carbon County	211 South Best Ave. (Route 145) Walnutport Northampton County	Opened
8-23-96	Farmers First Bank Lititz Lancaster County	WalMart Store 2034 Lincoln Highway East East Lampeter Twp. Lancaster County	Approved

#### SAVINGS ASSOCIATIONS

No activity.

#### CREDIT UNIONS

##### Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-26-96	Local #38 and Associates Credit Union Milton Northumberland County	To provide for a change in the field of membership.	Approved And Effective

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1477. Filed for public inspection September 6, 1996, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Keystone Recreation, Park and Conservation Fund; Land Trust Grant Program

The Department of Conservation and Natural Resources (DCNR) has announced an open application period for a third round of funding for land trust projects from the Keystone Recreation, Park and Conservation (Keystone) Fund. The Keystone Land Trust Grant Program is administered by DCNR's Bureau of Recreation and Conservation.

DCNR has mailed an announcement of this open application period, program manual, and application forms to the following 48 organizations which are prequalified as eligible land trust applicants. The deadline for receipt of completed grant applications by DCNR is 5 p.m. on November 8, 1996. No applications will be accepted by FAX.

Armstrong County Conservancy (Kittanning, PA)

Berks County Conservancy (Wyomissing, PA)

Brandywine Conservancy (Chadds Ford, PA)  
Brandywine Valley Association (West Chester, PA)  
Buck Hill Conservation Foundation (Buck Hill Falls, PA)  
Central Pennsylvania Conservancy (Harrisburg, PA)  
ClearWater Conservancy (State College, PA)  
Conneaut Lake—French Creek Valley Conservancy  
(Conneaut Lake, PA)  
Conservation Fund (Arlington, VA)  
Ecologically Concerned of Zelenople (Butler, PA)  
Edward L. Rose Conservancy (Brackney, PA)  
Farm and Natural Lands Trust (York, PA)  
Fox Chapel Land Conservation Trust (Pittsburgh, PA)  
French and Pickering Creeks Conservation Trust  
(Pottstown, PA)  
Friends of Pennypack Park (Philadelphia, PA)  
Friends of the Wissahickon (Philadelphia, PA)  
Hawk Mountain Sanctuary Association (Kempton, PA)  
Headwaters Charitable Trust (Clearfield, PA)  
Heritage Conservancy (Doylestown, PA)

Hollow Oak Land Trust (Moon Township, PA)  
 Lacawac Sanctuary Foundation (Lake Ariel, PA)  
 Lackawanna River Corridor Association (Mayfield, PA)  
 Lancaster County Conservancy (Lancaster, PA)  
 Loyalhanna Watershed Association (Ligonier, PA)  
 Merrill W. Linn Land and Waterways Conservancy  
 (Lewisburg, PA)  
 Moraine Preservation Fund (Zelienople, PA)  
 Natural Lands Trust (Media, PA)  
 Nature Conservancy (Philadelphia, PA)  
 Neighborhood Gardens Association (Philadelphia, PA)  
 Northcentral Pennsylvania Conservancy (Williamsport,  
 PA)  
 Northern Allegheny Conservation Association (Warren,  
 PA)  
 Open Land Conservancy of Chester County (Paoli, PA)  
 Penn Soil Conservancy Charitable Trust (Clarion, PA)  
 Pennsylvania Environmental Council (Philadelphia, PA)  
 Pennypack Ecological Restoration Trust (Huntingdon  
 Valley, PA)  
 Perkiomen Valley Watershed Association (Schwenksville,  
 PA)  
 Pine Creek Valley Watershed Association (Oley, PA)  
 Rails-to-Trails Conservancy (Harrisburg, PA)  
 Red Clay Valley Association (West Chester, PA)  
 Roaring Run Watershed Association (Spring Church, PA)  
 Schuylkill River Greenway Association (Wyomissing, PA)  
 Scott Conservancy (Pittsburgh, PA)  
 Southern Alleghenies Conservancy (Bedford, PA)  
 Trust for Public Land (Washington, D.C.)  
 Western Pennsylvania Conservancy (Pittsburgh, PA)  
 White Clay Watershed Association (Landenberg, PA)  
 Wildlands Conservancy (Emmaus, PA)  
 Wissahickon Valley Watershed Association (Ambler, PA)

The Keystone Fund was established by passage of the  
 Keystone Recreation, Park and Conservation Fund Act

(Act 1993-50) signed on July 2, 1993. On November 2,  
 1993, the voters of the Commonwealth overwhelmingly  
 approved a public referendum incurring bond indebted-  
 ness by the Commonwealth in the amount of \$50 million  
 to provide for the funding of nature preserves and wildlife  
 habitats, and for improvements to and expansion of state  
 parks, community parks and recreation facilities, historic  
 sites, zoos and public libraries. The Keystone Fund is  
 currently supported by a 15% allocation from the State  
 Realty Transfer Tax revenues. DCNR will receive 10% of  
 the State Realty Transfer Tax allocation for matching  
 grants to assist land trusts with planning and acquisition  
 projects involving natural areas and open space. Approxi-  
 mately \$3 million will be available in this third round of  
 funding for land trust projects.

A land trust is defined in Act 1993-50 as a nonprofit  
 conservation or preservation organization, conservancy or  
 land trust whose primary purpose is the conservation and  
 preservation of open space, park lands or natural areas  
 for public benefit. To qualify for Keystone funding, a land  
 trust must be tax exempt under section 501(c)(3) of the  
 Internal Revenue Code of 1986; registered with the  
 Bureau of Charitable Organizations, PA Department of  
 State; and in existence for at least 5 consecutive years.

Land trusts must prequalify as eligible applicants in  
 accordance with procedures announced at 24 Pa.B. 4216  
 (August 20, 1994). Land trust organizations that are not  
 prequalified for this third round of funding may do so  
 prior to announcement of the next open application  
 period. A prequalification form and instructions may be  
 obtained from the Department of Conservation and Natu-  
 ral Resources, Bureau of Recreation and Conservation,  
 555 Forum Building, Harrisburg, PA 17120 (Telephone  
 (717) 783-2656).

Persons with a disability who wish to submit a land  
 trust prequalification form or grant application and re-  
 quire assistance should contact Darrel J. Siesholtz at  
 (717) 783-2661 to discuss how the Department may best  
 accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 96-1478. Filed for public inspection September 6, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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



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

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

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

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

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

**PA 0114898.** Sewerage, SIC: 4952, **Madison Township Municipal Authority**, P. O. Box 620, Millville, PA 17846.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.02 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Ammonia-N			
(5-1 to 10-31)	2	3	4
(11-1 to 4-30)	6	9	12
Total Residual Cl <sub>2</sub>	0.2		0.5
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 0209392.** SIC: 4952, **Richmond Township Municipal Authority**, c/o John Barr, Secretary, 563 Valley Road, Mansfield, PA 16933.

This proposed action is for an NPDES permit for a new discharge of treated sewage to an unnamed tributary to the Tioga River in Richmond Township, **Tioga County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.00315 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Residual Chlorine	1.0	2.6
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	
pH	6.0—9.0 s.u. at all times	

The EPA waiver is in effect.

**PA 0209406. Eutaw Centre SFTF, Inc.,** R. D. Box 107G, Spring Mills, PA 16875, Potter Township, **Centre County.**

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to unnamed tributary of Potter Run in Potter 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin Borough, on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.002 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	20	40
Total Residual Chlorine	monitor and report	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	

Other Conditions: none.

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 0034258. Sewage, Hopewell Area School District,** 2121 Broadhead Road, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated sewage from the Hopewell Area School District, Independence School STP, in Independence Township, **Beaver County.**

The following effluent limitations are proposed for discharge to the receiving waters, known as Raccoon 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 Midland Borough Water Association.

Outfall 001: existing discharge, design flow of .006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0038792. Sewage, Adams Township Municipal Authority,** P. O. Box 265, Sidman, PA 15955-0265.

This application is for renewal of an NPDES permit to discharge treated sewage from the Village of Mine 42 STP in Adams Township, **Cambria County.**

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Paint Creek, which are classified as a cold 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 Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.0296 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	3,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0042749.** Sewage, **Jenner Area Joint Sewer Authority**, P. O. Box 202, Jennerstown, PA 15547.

This application is for renewal of an NPDES permit to discharge treated sewage from the Boswell STP in Boswell Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Quemahoning Creek, which are classified as a cold 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 Manufacturer's Water Company (Greater Johnstown Water Authority) on the Quemahoning Reservoir.

Outfall 001: existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	8	12		16
(11-1 to 4-30)	24	36		48
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.0			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0090824.** Sewage, **Laurel Associates**, 521 Fifth Avenue, Suite 2200, New York, NY 10175.

This application is for renewal of an NPDES permit to discharge treated sewage from the Laurel Mall Shopping Center Sewage Treatment Plant in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Gist Run, which are classified as a trout stocked 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 North Fayette County Municipal Authority.

Outfall 001: existing discharge, design flow of .032 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

*Other Conditions.*

The EPA waiver is in effect.

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

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

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

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

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

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

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

*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.*

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

**NPDES Permit PAS10A091.** Stormwater. **Woodmont Corporation**, 1 Ridgmar Centre—Ste. 900, Fort Worth, TX 76160 has applied to discharge stormwater from a construction activity located in Robinson Township, **Allegheny County**, to Campbells Run.

*Armstrong County Conservation District, District Manager, Armsdale Admin. Bldg., R. R. 8 Box 294, Kittanning, PA 16201-3428, telephone (412) 548-3425.*

**NPDES Permit PAS10B009.** Stormwater. **DEP—Bureau of Abandoned Mine Reclamation**, P. O. Box 149, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Boggs Township, **Armstrong County**, to Deaver Run into Pine Creek.

*Beaver County Conservation District, District Manager, 1000 Third St., Ste. 202, Beaver, PA 15009-2026, telephone (412) 774-7090.*

**NPDES Permit PAS100234-1.** Stormwater. **Jeb Hughes**, JDN Development Company Inc., 3340 Peachtree Road, 1530 Tower Place, Atlanta, GA 30326 has applied to discharge stormwater from a construction activity located in Center Township, **Beaver County**, to the Ohio River.

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

**NPDES Permit PAS10G223.** Stormwater. **Lion Associates LP**, 100 Plaza Drive, Downingtown, PA 19335 has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10G224.** Stormwater. **J. B. Brandolini, Inc.**, 1200 Burningbush Lane, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to Ridley Creek.

*Lackawanna County Conservation District, District Manager, 395 Bedford St., Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.*

**NPDES Permit PAS10N020.** Stormwater. **Frank Hubbard**, 4210 Birney Avenue, Moosic, PA 18507 has applied to discharge stormwater from a construction activity located in Moscow Borough, **Lackawanna County**, to UNT to Roaring Brook.

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.*

**NPDES Permit PAS10Q124.** Stormwater. **T C A S Inc.**, 1209 Hausman Road, Allentown, PA 18104 has applied to discharge stormwater from a construction

activity located in South Whitehall Township, **Lehigh County**, to Little Lehigh Creek.

*Luzerne County Conservation District, District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.*

**NPDES Permit PAS10R022.** Stormwater. **Earth Conservancy**, 101 S. Main Street, Ashley, PA 18706 has applied to discharge stormwater from a construction activity located in Newport Township, **Luzerne County**, to Espy Run.

*Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064, telephone (610) 746-1971.*

**NPDES Permit PAS10U060.** Stormwater. **Bangor Area School District**, 44 S. 3rd Street, Bangor, PA 18013 has applied to discharge stormwater from a construction activity located in Upper Mount Bethel Township, **Northampton County**, to UNT to the Delaware River.

**NPDES Permit PAS10U061.** Stormwater. **Raymond Yee**, 190 Brodhead Road, Bethlehem, PA 18017 has applied to discharge stormwater from a construction activity in Bethlehem Township, **Northampton County**, to Monocacy Creek.

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

**NPDES Permit PAS10X066.** Stormwater. **Gustine Hempfield Associates, LTD**, 2100 Wharton Street, Ste. 700, Pittsburgh, PA 15203 has applied to discharge stormwater from a construction activity located in Hempfield Township, **Westmoreland County**, to Little Sewickley 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 proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**4696416.** Sewerage. **West Norriton Township Municipal Authority**, 1634 West Marshall Street, Jeffersonville, PA 19403. Construction of a pumping station and force main to serve Port Indian Road located in West Norriton Township, **Montgomery County**.

**1596203.** Industrial waste. **To-Jo Mushrooms, Inc.**, 974 Penn Green Road, Avondale, PA 19311. Construction of a industrial wastewater treatment plant to serve To-Jo Mushrooms located in New Garden Township, **Chester County**.

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

**A. 0296410.** Sewerage. **Dale and Diana Harris**, R. D. 1, Box 211, Rockwood, PA 15557. Application for the construction and operation of a single residence sewage treatment plant located in the Borough of Plum, **Allegheny County** to serve the Harris residence.

**A. 5696407.** Sewerage. **Matthew J. Maurer**, R. D. 1, Box 90, Hollsopple, PA 15935. Application for the construction and operation of a sewage treatment plant located in the Township of Jenner, **Somerset County** to serve a commercial building.

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

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

**A. 1696503.** Public water supply. **Paint Township**, P. O. Box 128, Shippenville, PA 16254-0128. This proposal involves the construction of a 12 inch water line extension from Oakwood Lane along Rt. 66 to Astro Manufacturing with service being provided to residents along the route. The water line will be PVC C900. The extension will be approximately 7,500 feet long in Paint Township, **Clarion County**. Treated water will be purchased from Corner Water Supply and Service Corporation.

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**Acknowledgment of Notices of Intent to Remediate**

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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, 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:

*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 # 42446S49389, Elk Avenue, City of Pottsville, **Schuylkill 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.

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

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

**A. 603447. U. S. Army Corp. of Engineers Raystown**, U. S. Army Corp. of Engineers, (R. R. 1, Box 222, Hesston, PA 16647). Application for operation of agricultural utilization of sewage sludge in Hopewell Township, **Huntingdon County**. Application determined to be administratively complete in the Regional Office August 16, 1996.

**A. 100113. Modern Landfill, Modern Trash Removal of York, Inc.**, (R. D. 9, Mt. Pisgah Road, York, PA 17402). Application for modification of an existing Form R permit in Lower Windsor and Windsor Townships, **York County**. Application determined to be administratively complete in the Regional Office August 20, 1996.

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

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

**8-318-023C.** Modification of a polyester resin simulated marble vanity top production operation (increase in the amount of allowable volatile organic compound and sty-

rene emissions) by **Rynone Manufacturing Corporation** (P. O. Box 128, Sayre, PA 18840) in Sayre Borough, **Bradford County**.

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

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

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

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

**E07-264.** Encroachment. **Janet M. Krone**, Asst. Treasurer, The PA State University, 113 Physical Plant, University Park, PA 16802. To construct and maintain a pedestrian bridge across Spring Gap Run to provide access from the Juniata Gap parking lot to the campus located off Juniata Gap Road (SR4001) about 0.6 mile northwest of its intersection with Wopsonnock Avenue in the City of Altoona (Altoona, PA Quadrangle N: 7.5 inches; W: 5.3 inches) in Logan Township, **Blair County**.

**E22-354.** Encroachment. **Gary Miller**, Chairperson, Wayne Township Supervisors, P. O. Box E, Halifax, PA 17032. To remove an existing structure and to construct and maintain twin reinforced concrete box culverts having spans of 18-foot and rises of 8-foot in Powell Creek for public highway maintenance purposes located on Union Church Road about 0.4 mile south of its intersection with SR 4013 (Enders, PA Quadrangle N: 16.25 inches, W: 8.70 inches) in Wayne Township, **Dauphin County**.

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

**E08-301.** Water obstruction and encroachment. **Smithfield Township**, R. R. 1, Box 49, Milan, PA 18831. To repair the existing structure by replacing and maintaining one abutment and placing riprap along Tomjack Creek on T-710 Pinehill Road approximately 1/4 mile east of SR 4011 (East Troy, PA Quadrangle N: 12.1 inches; W:

0.5 inch) in Smithfield Township, **Bradford County**. Estimated stream disturbance is less than 250.0 linear feet; stream classification TSF.

**E14-293.** Water obstruction and encroachment. **Historical and Museum Comm.**, Pa. Military Museum, P. O. Box 160A, Boalsburg, PA 16827. To construct and maintain a 40 foot long wooden pedestrian bridge with a span of 35 feet and underclearance of 6 feet across Spring Creek. This project is located just downstream of the Boalsburg Pike bridge about 700 feet north of Business Route 322 (State College, PA Quadrangle N: 5.5 inches; W: 6.0 inches) in Harris Township, **Centre County**. Estimated stream disturbance about 5 feet with no wetland impacts; stream classification is HQ-CWF.

**E57-072.** Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105. To maintain a precast reinforced concrete box culvert with a clear normal span of 16 feet and average underclearance of 3.3 feet on the west branch of Mill Creek Road approximately 3/4 mile upstream (Barbours, PA Quadrangle N: 19.5 inches; W: 2.75 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance is less than 250.0 linear feet; stream classification is CWF/High Quality.

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

**E15-520.** Encroachment. **County of Chester**, Courthouse, 2nd and High Streets, West Chester, PA 19380. To repair and maintain an existing deteriorated township bridge carrying Pickering Road over Pickering Creek (HQ-TSF). The bridge consists of steel truss superstructure and laminated timber deck which is supported by stone masonry abutments and wingwalls. The bridge is a 69-foot long single span structure with a 14-foot wide cartway and a 5-foot minimum underclearance. The proposed work will include the replacement of an existing deck and floor frame structure and repair and modification of existing abutments. Also included is the placement of rip-rap stone erosion protection at the abutments and wingwalls. This bridge is located approximately 1 1/2 mile southeast of the intersection of S. R. 113 and Pickering Road (Malvern, PA Quadrangle N: 18.3 inches; W: 10.0 inches) in Charlestown Township, **Chester County**.

**E15-521.** Encroachment. **Watson's Mill Development Corp., Inc.**, 2100 Grant Avenue, P. O. Box 2766, Wilmington, DE 19806. To construct and maintain a covered bridge 125-feet long and 15-feet wide supported by three 17-foot 8-inch long support piers for the purpose of providing access to the Watsons Mill Subdivision in and along Broad Run located approximately 175 feet southwest from the intersection of Watsons Mill Road (T-300) and Niven Bridge Lane (West Grove, PA-NJ

Quadrangle N: 3.2 inches, W: 1.4 inches) in London Britain Township, **Chester County**.

**E23-348.** Encroachment. **Kimberly-Clark Tissue Company**, Front and Avenue of the States, Chester, PA 19013. To construct and maintain a steel pile structure within the Kimberly-Clark Corporation Property at the upriver confluence of the Delaware River (WWF-MF) and Chester Creek (WWF-MF). This steel pile structure is a rehabilitative measure for an existing deteriorated bulkhead of a low deck pier. The site is situated 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ-PA USGS Quadrangle N: 16.80 inches; W: 15.25 inches) in Chester City, **Delaware County**.

**E51-156.** Encroachment. **American Stores Properties, Inc.**, P. O. Box 30658, Salt Lake City, Utah 84130-0658. To place and maintain fill in 420 feet of Paul's Run, a tributary to Pennypack Creek (TSF-MF), to construct and maintain 600 feet of channel to convey the relocated flows of Paul's Run and to construct and maintain 30 linear feet of 48-inch RCP culvert which will provide a confluence of an unnamed tributary of Paul's Run with Paul's Run. The project will impact 0.08 acre of wetland (PEM/SS) to facilitate the proposed construction of an Acme Supermarket. The project is located on the corner of Northeast Boulevard and Red Lion Road (PA Route 63) (Frankford, PA-NJ Quadrangle N: 18.0 inches; W: 3.75 inches) in the City of Philadelphia, **Philadelphia 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. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

### The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

NPDES Permit No.	Applicant Name and Address	County and Municipality	Receiving Stream
PAS101908	Dept. of Trans. 1924-30 Daisy St. Clearfield, PA 16830	Bald Eagle, Grugan and Chapman Twps. Clinton County	West Br. Susquehanna River, Hyner Run, East Br. Hyner Run, Painter Run and Cleveland Hollow Run

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS104704	James M. Barbarich 9 Millwood Dr. Danville, PA 17821	Mahoning Township Montour County	Unt. Sechler Run

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D063	Shull Development, Inc. P. O. Box 26767 Elkins Park, PA 19117	Tinicum Township Bucks County	Pennsylvania Canal
PAS10-J033	F.P.A. Corporation One Greenwood Square 333 Street Road, Suite 101 Bensalem, PA 19020	Concord Township Delaware County	South Fork of West Branch of Chester Creek
PAS10-G187	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	East Bradford Township Chester County	West Brandywine Creek Watershed

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

*Permits Issued*

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

**Permit No. 0996412.** Sewerage. **Rowland J. Pearl** (146 Scholls School Road, Quakertown, PA 18951). Construction of a single residence sewage treatment plant located in Plumstead Township, **Bucks County** to serve the Pearl residence.

**Permit No. 1596404.** Sewerage. **East Bradford Township** (666 Copeland School Road, West Chester, PA 19380). Construction of sanitary sewer line, force main, pump station, impoundment, sewage treatment units, and spray irrigation system located in East Bradford Township, **Chester County** to serve Brandywine River Estates.

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

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

**Permit No. 0996509.** Public water supply. **Township of Falls—James Dillon**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030. Permit has been issued to construct a chlorine booster station to increase the chlorine residual in a portion of the distribution system in Falls Township, **Bucks County**.

*Type of Facility:* Community water system.

*Consulting Engineer:* Pennoni Associates, Inc., 875 N. Easton Road, Doylestown, PA 18901.

*Permit to Construct Issued:* August 7, 1996.

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

**Permit No. 1096502.** Public water supply. **Elmer Sutton Mobile Home Park**, 129 Elgie Drive, Butler, PA 16001. Permit issued for the treatment of existing well no. 3 and construction and treatment of new well no. 4. Treatment shall include sequestration of iron and chlorine for disinfection. Wells to serve the Elmer Sutton Mobile Home Park facilities located in Clay Township, **Butler County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Ronald R. Bolam, P.E., The Warnick Company, Inc., 226 Sunset Drive, Butler, PA 16001-1334.

*Permit to Construct Issued:* August 20, 1996.

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste management facility.**

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

**Permit ID No. PAD980707087. Envirotrol, Inc.**, 432 Green Street, P. O. Box 61, Sewickley, PA 15143. Operation of a hazardous waste management facility in Beaver Falls, **Beaver County**. Permit modified by the Regional Office on July 24, 1996 to remove a requirement in the permit to submit Module 1 applications to the Department's Beaver Falls office on the basis that there has been no significant third party interest in reviewing Module 1 applications from Envirotrol's Beaver Falls facility at the Department's Beaver Falls office.

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate hazardous waste treatment, storage or disposal facility.**



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

**PAD 987367216. Advanced Environmental Recycling Corporation**, 2591 Mitchell Avenue, Allentown, PA 18103. A permit authorizing the operation of this hazardous waste recycling facility, located in the City of Allentown, **Lehigh County**. The permit regulates the following treatment processes: lighting device recycling (mercury and other lamps); hydrometallurgical process to separate mercury and other precious metals from metal bearing waste in solution or from solids; thermal retorts for mercury recovery; pyrometallurgical processes involving high temperature metal furnaces to remove small quantities of precious metals recovered from waste processed in the hydrometallurgical systems; paint recycling will segregate and reconstitute latex and solvent based paint; solvent recovery will distill and recover solvents from customer lab-packs; and acid and caustics recycling process involves separation, filtration and concentration steps to remove metallic impurities from acid and caustics and prepare them for resale. The permit was issued in the Regional Office on August 19, 1996.

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**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 of air cleaning devices.**

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

**49-318-020.** The Department intends to issue an operating permit to **Truck Accessories Group, Inc.** (10 North Industrial Park, Milton, PA 17847) for the operation of a fiberglass truck cap spray up operation previously owned and operated by Leer Inc. in Milton Borough, **Northumberland County**.

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

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

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: **46-329-012**  
 Source: Emergency Generator  
 Issued: July 31, 1996  
 Company: **SmithKline Beecham Pharmaceuticals**  
 Location: Upper Merion  
 County: **Montgomery**

Permit: **46-309-048**  
 Source: Tile Production Line  
 Issued: July 31, 1996  
 Company: **American Olean Tile**  
 Location: Lansdale  
 County: **Montgomery**

Permit: **23-307-002**  
 Source: 20 inch Experimental Paper Machine-Dryer Hood Burners  
 Issued: July 31, 1996  
 Company: **Kimberly-Clark Tissue**  
 Location: City of Chester  
 County: **Delaware**

Permit: **46-313-138**  
 Source: 2 Shell Freezers  
 Issued: July 31, 1996  
 Company: **Merck & Company, Inc.**  
 Location: Upper Gwynedd  
 County: **Montgomery**

Permit: **15-399-040**  
 Source: Mineral Spirits Storage Tank  
 Issued: August 19, 1996  
 Company: **Safety-Kleen Corp.**  
 Location: West Goshen  
 County: **Chester**

Permit: **46-310-019A**  
 Source: Stone Crushing System  
 Issued: July 31, 1996  
 Company: **Highway Materials, Inc.**  
 Location: Marlborough  
 County: **Montgomery**

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

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

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: **OP-09-0011**  
 Source: VOC Sources  
 Issued: August 14, 1996  
 Company: **Perkasie Industries Corp.**  
 Location: Perkasie  
 County: **Bucks**

Permit: **OP-15-0016**  
 Source: Facility VOC & NOx Sources  
 Issued: July 23, 1996  
 Company: **Worthington Steel**  
 Location: East Whiteland  
 County: **Chester**

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

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

The Department has transferred 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: **OP-23-0014**  
 Source: Facility VOC and NOx Sources  
 Company: **Kimberly-Clark Tissue**  
 Location: City of Chester  
 County: **Delaware**

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**General Plan Approval and Operating Permit 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.**

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

General Plan Approval and Operating Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following:

Permit: **15-302-085GP**  
 Source: Three Small Combustion Unit  
 Issued: August 1, 1996  
 Company: **Kenneth Consolidated School District**  
 Location: Kenneth Square  
 County: **Chester**

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

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

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **15-317-020**  
 Source: Bakery Waste Processing Facility  
 Issued: July 19, 1996  
 Company: **Bakery Feeds, Inc.**  
 Location: HoneyBrook  
 County: **Chester**

Permit: **09-320-041**  
 Source: Flexographic Press  
 Issued: July 31, 1996  
 Company: **Gilbreth Internation Corp.**  
 Location: Bensalem  
 County: **Bucks**

Permit: **09-328-009**  
 Source: Electrical Generation Plant  
 Issued: July 31, 1996  
 Company: **Blue Mountain Power, LP**  
 Location: Richland  
 County: **Bucks**

Permit: **23-313-046**  
 Source: Specialty Chemical Process  
 Issued: July 31, 1996  
 Company: **Norquay Technology, Inc.**  
 Location: Chester  
 County: **Delaware**

Permit: **23-310-013**  
 Source: Stone Crushing Plant  
 Issued: August 5, 1996  
 Company: **Milestone Materials, Inc.**  
 Location: Thornbury  
 County: **Delaware**

Permit: **23-315-007**  
 Source: Paper Machine No. 18  
 Issued: August 8, 1996  
 Company: **Kimberly-Clark Tissue**  
 Location: City of Chester  
 County: **Delaware**

Permit: **23-308-005**  
 Source: Roller Mill Grinding System  
 Issued: August 12, 1996  
 Company: **Fluid Engery Processing & Equipment**  
 Location: City of Chester  
 County: **Delaware**

Permit: **09-313-092**  
 Source: 2 Hard Chrome Electro-Plating Baths  
 Issued: August 19, 1996  
 Company: **Armoloy Company of Philadelphia**  
 Location: Bristol  
 County: **Bucks**

Permit: **09-313-074A**  
 Source: Specialty Gas Plant  
 Issued: August 19, 1996  
 Company: **Solkatronic Chemicals, Inc.**  
 Location: Falls  
 County: **Bucks**

The Department has extended the following air quality plan approvals for the specified companies described below:

Permit: **46-318-043**  
 Source: 2 Paint Spray Booths  
 Issued: May 20, 1996  
 Extended: August 15, 1996  
 Company: **Department of the Air Force/ Willow Grove ARS**  
 Location: Horsham  
 County: **Montgomery**

Permit: **15-313-052**  
 Source: Pharmaceutical Sciences Pilot Plant  
 Issued: June 30, 1996  
 Extended: October 30, 1996  
 Company: **Sanofi Winthrop, Inc.**  
 Location: East Whiteland  
 County: **Chester**

Permit: **15-310-039**  
 Source: Stone Crushing Plant  
 Issued: July 31, 1996  
 Extended: November 30, 1996  
 Company: **Devault Crushed Stone**  
 Location: Charlestown  
 County: **Chester**

Permit: **46-308-017**  
 Source: Scrap Aluminum Metal Smelter  
 Issued: July 31, 1996  
 Extended: November 30, 1996  
 Company: **Recycle Metals Corp.**  
 Location: Conshohocken  
 County: **Montgomery**

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**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for a plan approval permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

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

The Department has issued the following air quality plan approval and compliance permit for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **PA/CP-09-00005**  
 Source: Adhesive Formulation Process  
 Issued: August 8, 1996  
 Company: **Minnesota Mining Manufacturing**  
 Location: Bristol  
 County: **Bucks**

*Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.*

**Bond Forfeiture Contract Awarded: No. BF 354-101.1.** Beccaria Township, **Clearfield County**, PA. Abandoned Mine Land Reclamation Project, Glendale Contracting Company, Beccaria Township, Clearfield County, PA. Contractor: Trans-Continental Construction Company, Inc.; Amount: \$102,999.76; Date of Award: July 26, 1996.

**Bond Forfeiture Contract Awarded: No. BF 370-101.1.** Unity Township, **Westmoreland County**, PA. Abandoned Mine Land Reclamation Project, Kelt, Inc. Unity Township, Westmoreland County, PA. Contractor: Eugene W. Hutchison t/a Hutchison Excavating; Amount: \$125,700.50; Date of Award: July 24, 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 an 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.*

**E06-480.** Encroachment. **Eldon W. Flory**, R. R. 1, Box 461, Bernville, PA 19506. To relocate an existing outfall structure and restore the bank at the original outfall along the Schuylkill River at a point approximately 10,000 feet downstream of the mouth of Maiden Creek (Temple, PA Quadrangle N: 6.3 inches; W: 11.1 inches) in Muhlenberg Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-249.** Encroachment. **Shippensburg Lions Club**, 12 West King Street, Shippensburg, PA 17257. To construct and maintain a 4-foot wide x 30-foot long pedestrian bridge with an underclearance of 4.5 feet across Middle Spring Creek located about 300 feet downstream of West King Street (US 11) bridge (Shippensburg, PA Quadrangle N: 9.12 inches; W: 3.35 inches) in Shippensburg Borough, **Cumberland County**.

**E36-613.** Encroachment. **Clyde W. Horst**, President, The Horst Group, Inc., P. O. Box 3330, Lancaster, PA 17604-3330. To construct and maintain a wooded pedestrian bridge having a 16-foot clean span with a 3-foot underclearance across a tributary to the Little Conestoga Creek at the Granite Run Corporate Center located on the west side of the Fruitville Pike (L. R. 512) (Lancaster, PA Quadrangle N: 14.1 inches; W: 10.9 inches) in Manheim Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E17-304.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552. Remove existing structure and to construct and maintain a single span timber bridge with a clear span of 40.0 feet and average underclearance of 5.32 feet over Laurel Run and Tyler Road approximately 1/4 mile from the intersection with Mud Run Road (Penfield, PA Quadrangle N: 15.8 inches; W: 0.3 inch) in Huston Township, **Clearfield County**.

**E18-211.** Water obstruction and encroachment. **David W. Evers, Jr.**, 601 W. Walnut St., Lock Haven, PA 17745. Remove the existing structure and to construct and maintain a 72 inch by 96 inch concrete pipe in Plunkets Run located approximately 300 feet upstream from the intersection of Plunkets Run Road and Frankenfield Road (Beech Creek, PA Quadrangle N: 22.0 inches; W: 3.60 inches) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-217.** Water obstruction and encroachment. **Dennis Heydrick**, R. R. 2, Box 644, Lock Haven, PA 17745-9701. To repair and maintain an existing private road bridge with a clear span of 8 feet and average underclearance of 3.75 feet over Reeds Run just off of SR 664 approximately 3 miles north of Lock Haven by replacing one abutment and two beams damaged in the flood of February 1996 (Lock Haven, PA Quadrangle N: 7.5 inches; W: 7.25 inches) in Woodward Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-368.** Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a single span bridge constructed with a span of 26.9 feet, an underclearance of 5.5 feet and curb to curb width of 18.0 feet across Little Bear Creek. The project is located along the eastern right-of-way of SR 0087 approximately 4,000.0 feet east of the intersection of Little Bear Road and SR 0087 (Huntersville, PA Quadrangle N: 18.8 inches; W: 11.4 inches) in Plunketts Creek Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E60-127.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105. Remove the existing structure and to construct and maintain a single span timber bridge with a normal span of 29.6 feet and average underclearance of 4.9 feet over Weikert Run on Weikert Run Road approximately 1 mile west of the intersection of SR 3002 and T-302 (Weikert, PA Quadrangle N: 16.4 inches; W: 7.2 inches) in Hartley Township, **Union 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.*

**E40-442.** Encroachment. **Robert D. and Sandra S. Richardson**, 10 Marabee Avenue, Dallas, PA 18612. To modify and maintain an existing dock and boathouse in Harveys Lake, with work including modifications to the boathouse within the existing structure footprint, removal of the existing dock, and construction of a new pile-supported dock, boatslip and dock extending from the boathouse. The structure as proposed extends approximately 49.5 feet from the shoreline and has an overall width (parallel to the shoreline) of approximately 73.5 feet. The dock/boathouse is located at Pole 304, Lakeside Drive (Harveys Lake, PA Quadrangle N: 18.6 inches; W: 5.0 inches), in Harveys Lake Borough, **Luzerne County**.

**E45-296.** Encroachment. **Pohoqualine Fish Association**, R. R. 2, Box 2562, Saylorsburg, PA 18353. To modify and maintain an existing single-span bridge across McMichael Creek by replacing the existing timber deck and beams with 18-inch steel beams and steel decking to provide access to a private residence. The proposed superstructure will be attached to the existing abutments and have a span of approximately 21 feet and an underclearance of 6.4 feet. The project is located 600 feet west of S. R. 0715, approximately 0.2 mile north of the intersection of S. R. 0715 and T449 (Brodheads ville, PA Quadrangle N: 11.9 inches; W: 2.6 inches) in Chestnuthill Township, **Monroe County**.

**E52-138.** Encroachment. **Gibson E. McKean**, P. O. Box 61, Barryville, PA 12719. To place fill in 0.68 acre of wetlands for the purpose of constructing and maintaining a private road crossing of a tributary to Rattlesnake Creek and adjacent wetlands, to access upland area of a 182-acre property (Lot no. 4). The road crossing will extend an existing roadway which originates from the north side of T-424 (Spring Brook Road), approximately 0.7 mile southwest of the intersection of S. R. 0006 and T-424, continuing the roadway northwesterly for a distance of approximately 1,150 feet across wetlands (Shohola, PA Quadrangle N: 0.0 inches; W: 11.1 inches) in Dingman Township, **Pike County**. The permittee is required to provide 0.75 acre of replacement wetlands.

**E54-219.** Encroachment. **Butler Township Municipal Authority**, 211 Broad Street, Fountain Springs, Ashland, PA 17921. To (1) place fill along the right (west) bank, within the 100-year flood plain at Mahanoy Creek, for the purpose of constructing and maintaining a wastewater treatment facility and access roadway, extending from S. R. 4026 southward approximately 1,100 feet (Ashland, PA Quadrangle N: 2.0 inches; W: 12.0 inches); (2) to construct and maintain a wastewater pump station (the Mahanoy Creek Pump Station) along the left (east) bank of Mahanoy Creek, at the northwest corner of the intersection of S. R. 4007 and T-417 (Germanville Road) (Ashland, PA Quadrangle N: 3.9 inches; W: 12.2 inches), and (3) to construct and maintain a sanitary sewer stream crossing of Mahanoy Creek at the Mahanoy Creek Pump Station in Butler Township, **Schuylkill County**.

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

**E46-746.** Encroachment. **Heritage Construction Company, Inc.**, 730 North Lewis Road, Limerick, PA 19468. To complete construction and maintain a stormwater management facility associated with the Waterford Green Residential Subdivision. The dam is impacted approximately 250 feet and the reservoir has impacted approximately 450 feet of an unnamed intermittent tributary to Landis Creek (TSF) located approximately 2,300 feet northeast of the intersection of Limerick Road (T-318) and East Cherry Lane (T-316) (Phoenixville, PA Quadrangle N: 18.25 inches; W: 4.0 inches) in Limerick Township, **Montgomery County**. This permit constitutes approval of an environmental assessment for a non-scope stormwater management dam. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

#### **Final Actions Under Section 401 of the Federal Water Pollution Control Act**

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

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

*Certification Request Initiated By: Montgomery County Department of Parks, Montgomery County Courthouse, Norristown, PA 19404.*

*Project Description: Project involves the hydraulic dredging of approximately 70,860 cubic yards of uncon-*

solidated sediment from Deep Creek Lake, located in Upper Frederick Township, Montgomery County. The slurry is to be pumped to one of two dewatering basins located on park property adjacent to the lake and the return water will be discharged directly to the lake. Upon completion of the dredging and dewatering operations, the disposal areas will be restored.

*Final Action on Request:* Certification granted.

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

**E15-513.** Encroachment. **Craig J. and Barbara Z. Arbaugh**, 46 Stable Drive, Elverson, PA 19520. To reconstruct and maintain a steel or reinforced concrete bridge having a span of 54 feet and a 6 to 8 foot underclearance, with two reinforced concrete abutments and one reinforced concrete pier across an unnamed tributary to the east branch of Brandywine Creek (Perkins Run) (HQ.TSFMF) to provide access to a proposed single family dwelling. The site is situated approximately 1,050 feet southeast of the intersection of Woods Drive and Bollinger Drive (Wagontown USGS Quadrangle N: 21.5 inches; W: 11.0 inches) in West Nantmeal Township, **Chester County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E23-342.** Encroachment. **Township of Ridley**, MacDade Boulevard and Morton Avenue, Folsom, PA 19033-0000. To construct and maintain a stream improvement project along Little Crum Creek which consists of widening approximately 700 linear feet of stream channel for the purpose of increasing hydraulic capacity. This project is located approximately 1,000 feet southeast from the intersection of Park Avenue and Michigan Avenue (Lansdowne, PA Quadrangle N: 3.2 inches; W: 12.4 inches) in Ridley Township, **Delaware County**.

**E46-736.** Encroachment. **Peter C. Collins, Inc.**, 1232 Horsham Road, Ambler, PA 19002. To install and maintain 60 linear feet of 8 foot-7 inch by 5 foot-11 inch arch CMP stream enclosure which will connect a downstream existing 1,120-foot long stream enclosure to an upstream existing 860-foot long stream enclosure to facilitate the construction of a parking lot over Tannery Run Creek, an intermittent tributary to the Wissahickon Creek (TSF), located approximately 220 feet upstream from the segment of the enclosure which extends under Lindenwold Avenue (Ambler, PA Quadrangle N: 5.6 inches; W: 13.2 inches) in Ambler Borough, **Montgomery County**.

**E46-742.** Encroachment. **Upper Dublin Township**, 801 Lock-Alsh Avenue, Fort Washington, PA 19034. To install and maintain a 6.5-foot x 24-foot reinforced concrete box culvert, 30 feet long, in and along Rapp Run. This culvert occurs beneath Highland Avenue. This structure will also include four gabion wingwalls 3 feet wide, 3 feet high, and 9 feet long, which will be constructed at both ends of the proposed culvert. A 9-foot wide, 1-foot thick gabion mattress liner will be installed along the culvert invert for its entire length for the purpose of providing a low flow channel within this culvert. A concrete energy dissipator will be installed at the downstream end of the culvert. This site is located approximately 830 feet northwest from the intersection of Camp Hill Road and Highland Avenue (Ambler, PA Quadrangle N: 2.4 inches; W: 8.7 inches) in Upper Dublin Township, **Montgomery County**.

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

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

Permits issued on August 20, 1996:

**WA 26-1000.** Water allocation. **Jefferson Township Authority**, Fayette City, Fayette County, PA. The right to purchase up to 51,000 gallons per day (gpd) of water (193,035 liters per day of water), as a 30-day average, from the North Fayette County Municipal Authority, Dunbar, **Fayette County**, PA.

**WA 26-1000A.** Water allocation. **Jefferson Township Authority**, Fayette City, Fayette County, PA. The right to purchase up to 50,000 gallons per day (gpd) of water (189,250 liters per day of water), as a 30-day average, from the Newel Municipal Authority, Newell, **Fayette County**, PA.

**WA 26-1000B.** Water allocation. **Jefferson Township Authority**, Fayette City, Fayette County, PA. The right to purchase up to 4,000 gallons per day (gpd) of water (15,140 liters per day of water), as a 30-day average, from the Pennsylvania-American Water Company, **Fayette County**, PA.

**WA2-536C.** Water allocation. **Fox Chapel Authority**, O'Hara Township, **Allegheny County**, PA. The right to purchase up to 5.0 million gallons per day (5.0 mgd) of water (18.925 million liters per day of water), as a 30-day average, from the Pittsburgh Water and Sewer Authority, Pittsburgh, PA.

[Pa.B. Doc. No. 96-1479. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Oil and Gas Technical Advisory Board; Change of Meeting Date**

The Oil and Gas Technical Advisory Board will meet on September 19, 1996, at 10 a.m. in the 5th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. This meeting was previously announced as being held September 17.

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. 96-1480. Filed for public inspection September 6, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee

The Organ Donation Advisory Committee is scheduled to hold a meeting on September 19, 1996, from 9 a.m. to 1 p.m. in room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Anyone who wishes to attend the meeting or who has questions regarding the meeting should contact Kathleen Galop at (717) 787-6436.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans Disabilities Act of 1990 should contact Kathleen Galop at (717) 787-6436 at least 10 days prior to the meeting.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1481. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Organ Donation Advisory Committee Education Curriculum Sub-Committee Meeting

The Organ Donation Advisory Committee Education Curriculum Sub-Committee Meeting is scheduled to hold a meeting on September 19, 1996, from 1 p.m. to 3 p.m. in room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Anyone who wishes to attend the meeting or who has questions regarding the meeting should contact Kathleen Galop at (717) 787-6436.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans Disabilities Act of 1990 should contact Kathleen Galop at (717) 787-6436 at least 10 days prior to the meeting.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1482. Filed for public inspection September 6, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Autumn Gold '96 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Autumn Gold '96.
2. *Price:* The price of a Pennsylvania Autumn Gold '96 instant lottery game ticket is \$2.00.
3. *Play Symbols:* Each Pennsylvania Autumn Gold '96 instant lottery game ticket will contain one "Play Area" featuring one Leaf character and eight Apple characters.

The play symbols and their captions located beneath the Leaf character ("Leaf Number") and eight Apple characters ("Apple Numbers") in the "Play Area" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN) and 20 (TWENTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Play Area" are: \$2<sup>00</sup> (TWO), \$3<sup>00</sup> (THREE), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100\$ (ONE HUN), \$1000 (ONE THO) and \$10000 (TENTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$3, \$5, \$10, \$20, \$50, \$100, \$1,000 and \$10,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,887,000 tickets will be printed for the Pennsylvania Autumn Gold '96 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$10000 (TENTHO) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$1000 (ONE THO) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$100\$ (ONE HUN) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$10\$ (TEN) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIVE) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play symbols and a prize play symbol of \$3<sup>00</sup> (THREE) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets where the "Leaf Number" play symbol matches any one of the "Apple Numbers" play

symbols and a prize play symbol of \$2<sup>00</sup> (TWO) appears under the matching "Apple Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per 4,887,000 Tickets
\$2	1:6.10	801,148
\$3	1:15	325,800
\$5	1:200	24,435
\$5 (\$2 + \$3)	1:120	40,725
\$7 (\$2 + \$5)	1:200	24,435
\$8 (\$2 + \$2 + \$2 + \$2)	1:399.98	12,218
\$10 (\$2 × 5)	1:600	8,145
\$10	1:1,200	4,073
\$12 (\$3 + \$3 + \$3 + \$3)	1:1,000	4,887
\$12 (\$5 + \$5 + \$2)	1:1,000	4,887
\$14 (\$2 × 7)	1:150	32,580
\$15 (\$3 × 5)	1:1,629	3,000
\$15 (\$2 × 6 + \$3)	1:810.04	6,033
\$16 (\$2 × 8)	1:1,500	3,258
\$17 (\$2 + \$5 + \$10)	1:900	5,430
\$18 (\$3 × 6)	1:1,500	3,258
\$18 (\$10 + \$2 × 4)	1:1,500	3,258
\$20	1:900	5,430
\$21 (\$3 × 7)	1:300	16,290
\$40 (\$5 × 8)	1:1,000	4,887
\$50 (\$10 × 5)	1:1,000	4,887
\$50	1:3,000	1,629
\$80 (\$10 × 8)	1:8,145	600
\$100 (\$20 × 5)	1:16,290	300
\$100	1:32,580	150
\$160 (\$20 × 8)	1:40,725	120
\$400 (\$50 × 8)	1:81,450	60
\$500 (\$100 × 5)	1:122,175	40
\$1,000	1:122,175	40
\$10,000	1:244,350	20

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Autumn Gold '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Autumn Gold '96, prize money on winning Pennsylvania Autumn Gold '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Autumn Gold '96 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Autumn Gold '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-1483. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Pennsylvania Halloween Cash '96 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Halloween Cash '96.

2. *Price:* The price of a Pennsylvania Halloween Cash '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Halloween Cash '96 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$1<sup>00</sup> (ONE), \$3<sup>00</sup> (THREE), \$13\$ (THIRTEEN), \$31\$ (THIRTON), \$131\$ (ONTRYON), \$313\$ (TRETERT) and \$1313\$ (THRTTERT).

4. *Prizes:* The prizes that can be won in this game are \$1, \$3, \$13, \$31, \$131, \$313 and \$1,313.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,837,200 tickets will be printed for the Pennsylvania Halloween Cash '96 instant lottery game.

6. *Determination of Prize Winners.*

(a) Holders of tickets with three matching play symbols of \$1313 (THRTTERT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,313.

(b) Holders of tickets with three matching play symbols of \$313\$ (TRETERT) in "Play Area" on a single ticket, shall be entitled to a prize of \$313.

(c) Holders of tickets with three matching play symbols of \$131\$ (ONTRYON) in the "Play Area" on a single ticket, shall be entitled to a prize of \$131.

(d) Holders of tickets with three matching play symbols of \$31\$ (THIRTON) in the "Play Area" on a single ticket, shall be entitled to a prize of \$31.

(e) Holders of tickets with three matching play symbols of \$13\$ (THIRTEEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$13.

(f) Holders of tickets with three matching play symbols of \$3<sup>00</sup> (THREE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$3.

(g) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(h) A prize will be paid only for the highest Pennsylvania Halloween Cash '96 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per 7,837,200 Tickets
\$1	1:4.8	1,632,750
\$3	1:16.55	473,550
\$13	1:165.52	47,349
\$31	1:352.94	22,205
\$131	1:16,800	466
\$313	1:50,400	155
\$1,313	1:168,000	47

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Halloween Cash '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Halloween Cash '96, prize money on winning Pennsylvania Halloween Cash '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Halloween Cash '96 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Halloween Cash '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-1484. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Pennsylvania Silver Dollars Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Silver Dollars.

2. *Price:* The price of a Pennsylvania Silver Dollars instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Silver Dollars instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$25\$

(TWEN-FIV), \$100 (ONE HUN), \$500 (FIV HUN), \$2500 (TWEFIVHUN), \$25000 (TWEFIVTHO) and a Silver Dollar Symbol (SILVER).

4. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$2,500, \$5,000 and \$25,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 5,049,900 tickets will be printed for the Pennsylvania Silver Dollars instant lottery game.

#### 6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$25000 (TWEFIVTHO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with two matching play symbols of \$2500 (TWEFIVHUN), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets with three matching play symbols of \$2500 (TWEFIVHUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets with two matching play symbols of \$500 (FIV HUN), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with two matching play symbols of \$100 (ONE HUN), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with two matching play symbols of \$25\$ (TWEN-FIV), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with three matching play symbols of \$25\$ (TWEN-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with two matching play symbols of \$10\$ (TEN), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with two matching play symbols of \$5<sup>00</sup> (FIVE), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO), and a Silver Dollar play symbol (SILVER) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.



(p) A prize will be paid only for the highest Pennsylvania Silver Dollars instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,049,900 Tickets</i>
3-\$2	\$2	1:6	841,650
2-\$2 + Silver Dollar	\$4	1:20	252,495
3-\$5	\$5	1:75	67,332
2-\$5 + Silver Dollar	\$10	1:100	50,499
3-\$10	\$10	1:150	33,666
2-\$10 + Silver Dollar	\$20	1:150	33,666
3-\$25	\$25	1:300	16,833
2-\$25 + Silver Dollar	\$50	1:4002	1,262
3-\$100	\$100	1:10,000	505
2-\$100 + Silver Dollar	\$200	1:14,985	337
3-\$500	\$500	1:25,000	202
2-\$500 + Silver Dollar	\$1,000	1:40,725	124
3-\$2,500	\$2,500	1:81,450	62
2-\$2,500 + Silver Dollar	\$5,000	1:252,495	20
3-\$25,000	\$25,000	1:504,990	10

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Silver Dollars instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Silver Dollars, prize money on winning Pennsylvania Silver Dollars instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Silver Dollars instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Silver Dollars or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-1485. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Pennsylvania Turkey Lurkey Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Turkey Lurkey.

2. *Price:* The price of a Pennsylvania Turkey Lurkey instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Turkey Lurkey instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: FREE (TICKET), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$25\$ (TWEEN-FIV), \$100\$ (ONE HUN), \$1000 (ONE THO) and \$10000 (TEN THOU).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$10, \$25, \$100, \$1,000 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,888,000 tickets will be printed for the Pennsylvania Turkey Lurkey instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$10000 (TEN THOU) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching play symbols of \$1000 (ONE THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three matching play symbols of \$100\$ (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching play symbols of \$25\$ (TWEEN-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(e) Holders of tickets with three matching play symbols of \$10\$ (TEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(i) A prize will be paid only for the highest Pennsylvania Turkey Lurkey instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

#### 7. Grand Prize Drawing Procedure:

##### (a) Frequency.

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of the Pennsylvania Turkey Lurkey until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

##### (c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes

will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

##### (d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

Grand Drawing Prizes	No. of Winners	Amount
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

##### (e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per 6,888,000 Tickets
One Free Ticket Plus Entry	1:6	1,148,000
\$2	1:10	688,800
\$5	1:80	86,100
\$10	1:240	28,700
\$25	1:400	17,220
\$100	1:22,960	300
\$1,000	1:492,000	14
\$10,000	1:1,148,000	6

#### 8. Retailer Incentive Awards.

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Turkey Lurkey instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Turkey Lurkey instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Turkey Lurkey, prize money on winning Pennsylvania Turkey Lurkey instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Turkey Lurkey, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Turkey Lurkey or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-1486. Filed for public inspection September 6, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

[Correction]

### Bureau of Driver Licensing; Implementation of Commercial Driver Licensing Test Procedures

Errors appeared in the opening paragraph and Editor's Note of a notice published at 26 Pa.B. 4142, 4143 (August 24, 1996). The paragraph and Editor's Note should read as follows:

Under 115-96, passed into law on July 11, 1996, the Department of Transportation is publishing the test procedures as required by 75 Pa.C.S. § 1607(a) (relating to commercial driver's license qualification standards):

(*Editor's Note:* Pursuant to section 27 of Act 115-96, 67 Pa. Code §§ 75.25—75.28 (Pa. Code serial pages (198279) to (198286)) are deleted upon publication of the following testing procedures.)

[Pa.B. Doc. No. 96-1396. Filed for public inspection August 23, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### P. H. Glatfelter Company v. DEP; EHB Doc. No. 95-242-C

The Department of Environmental Protection (Department) and P. H. Glatfelter Company (Glatfelter) have agreed to a settlement of the above matter. By a letter dated October 4, 1995, the Department denied Glatfelter's request for a determination that Glatfelter's proposed RACT/MACT strategy for controlling emissions of volatile organic compounds from its Kraft pulp and paper mill in Spring Grove, York County, qualifies for the pollution control exclusion from review under the Prevention of Significant Deterioration (PSD) requirements codified at 40 CFR Part 52, which are incorporated by reference in Pennsylvania's regulations at 25 Pa. Code §§ 127.81—127.83. The parties have agreed to a settlement, the major provisions of which include:

1. On or before October 31, 1996, Glatfelter will submit to the Department complete applications to modify Operating Permits Nos. 67-306-006 and 67-315-008 that satisfy all applicable requirements of 40 CFR 52.21. Provided that those applications satisfy all of the applicable requirements, the Department will delete from Operating Permit No. 67-306-006 the condition that restricts the periods during which Glatfelter may operate Power Boiler No. 3.

2. On or before October 31, 1996, Glatfelter will submit to the Department a complete application to modify RACT Plan Approval No. 67-2004 that provides for the implementation of a volatile organic compound control system having a destruction efficiency of at least 95%, satisfies either the applicable PSD requirements or the applicable requirements of the pollution control exclusion from PSD review and provides for the installation of low-NO<sub>x</sub> burners with overfire air on Power Boiler No. 3.

3. Provided that Glatfelter's application to modify RACT Plan Approval No. 67-2004 satisfies the applicable

requirements, the Department will modify the RACT Plan Approval by revising the list of volatile organic compound sources to be controlled, providing that the annual heat input restriction on Power Boiler No. 3 shall not be applicable after low-NO<sub>x</sub> burners with overfire air go into operation on Power Boiler No. 3, and revising the implementation schedule in the Plan Approval. The Department will submit the modified Plan Approval to the United States Environmental Protection Agency for approval as a revision to Pennsylvania's State Implementation Plan.

4. Glatfelter will pay a civil penalty in the amount of \$50,000 to the Clean Air Fund within 15 days after the date of the settlement agreement.

Copies of the full agreement are in the possession of:

Glenn L. Unterberger, Esquire, Ballard Spahr Andrews & Ingersoll, 1735 Market Street, 51st Floor, Philadelphia, PA 19103-7599, (215) 665-8500;

Kurt J. Weist, Assistant Counsel, DEP, 400 Market Street, 9th Fl., P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-8790;

and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

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.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1487. Filed for public inspection September 6, 1996, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Free Fishing Days for 1997

The Executive Director of the Fish and Boat Commission, acting under the authority of section 2709(d) of the Fish and Boat Code, 30 Pa.C.S. § 2709(d) (relating to exemptions from license requirements), is designating the following days as free fishing days in 1997:

Saturday, June 7, 1997

Saturday, September 27, 1997

During these days, the Commission's license requirements do not apply. All other fishing regulations apply.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-1488. Filed for public inspection September 6, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 1 p.m., Thursday, August 22, 1996, and took the following actions:

#### *Regulations Approved:*

State Ethics Commission #63-5: Statements of Financial Interest (amends 51 Pa. Code Chapters 11 and 19.)

Department of Agriculture #2-93: Nutrient Management Certification Program (establishes 7 Pa. Code Chapter 131.)

Department of Transportation #18-324: School Buses and School Vehicles (amends 67 Pa. Code Chapter 171.)

Environmental Quality Board #7-286: Storage Tanks, Certification Program (amends 25 Pa. Code Chapter 245.)

*Commissioners Present:* Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held  
August 22, 1996

*State Ethics Commission—Statements of Financial Interest; Doc. No. 63-5*

### Order

On August 31, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Ethics Commission (SEC). This rulemaking amends 51 Pa. Code Chapters 11 and 19. The authority for this regulation is contained in section (7)(l) of the Ethics Law (65 P.S. § 407(1)). The proposed regulation was published in the September 16, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 26, 1996.

The regulation provides that when a Statement of Financial Interest (FIS) is sent to the SEC by Facsimile Service (FAX), it will be considered officially filed on the date the FAX is received by the SEC provided that the signed, original document is delivered to the SEC within 5 business days from the date the FAX is sent. If the original document is not received within 5 days, the FIS will be considered officially filed on the date the original FIS is received. Accordingly to the SEC, there are instances such as judicial proceedings and administrative proceedings of other agencies when an original FIS is necessary. In these situations, a FAX is not acceptable. The proposed regulation will ensure that the SEC has the original document available when it is required for a specific proceeding.

In our Comments on the proposed rulemaking, we questioned why the requirement for sending an original document within 5 days of sending a FAX should not be applied to other "official papers," and we recommended that the SEC define "official papers." We also noted that in the definition of "service" found in section 11.1, there was no similar provision requiring that when the SEC serves a document by FAX transmission, the original

document be delivered within 5 business days. We recommended that the definition of "service" include such a provision.

In a March 4, 1996 meeting with the SEC and representatives from the Senate Rules and Executive Nominations Committee and the House Judiciary Committee, the SEC responded to our concerns. The SEC explained that the proposed regulation was designed to address a specific problem relating to FIS filings and that it was not necessary to impose the same requirement on other "official papers" that are filed with or served by the SEC. The SEC further explained that creating a single definition of "official papers" would be difficult and would only cause confusion. Furthermore, since the SEC intended the regulation to apply only to FISs, there would not be confusion over the types of documents affected by the regulation.

We concurred with the SEC's position; however, we noted that the provision requiring receipt of the original FIS within 5 business days is a substantive provision relating to the filing of FISs. It is inappropriate to include this substantive provisions in the definition of "filed" found in section 11.1 Definitions. To address this problem, we recommended that the SEC create a new subsection (d) under section 19.1 Forms; filing. We provided the SEC with specific language to be used in section 19.1(d) which the SEC has incorporated into the final-form regulation in its entirety. The final-form regulation also includes a reference to section 19.1 in the definition of "filed" found in section 11.1.

We have reviewed this regulation and find it to be in the public interest. The SEC has explained the basis for the limited application of the requirement to submit the original document within 5 days of FAXing the FIS, and we believe the final-form regulation now clearly reflects the SEC's intent.

*Therefore, It Is Ordered That:*

1. Regulation No. 63-5 from the State Ethics Commission, as submitted to the Commission on July 26, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Irvin G. Zimmerman

Public meeting held  
August 22, 1996

*Department of Agriculture—Nutrient Management Certification Program; Doc. No. 2-93*

#### **Order**

On October 4, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking would establish 7 Pa. Code Chapter 131. The authority for this regulation is contained in section 7 of the Nutrient Management Act of 1993 (act) (3 P. S. § 1707). The proposed regulation was published in the October 14, 1995 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 2, 1996.

The act requires all concentrated animal operations (CAO) to have a nutrient management plan that is

developed by a nutrient management specialist. The act provides the Department with the authority to promulgate regulations to establish individual, commercial and public certification categories, as well as the establishment of fees, educational requirements and examinations for certification. The proposed regulation provides the specific procedures and requirements that an individual must follow in order to be certified as a nutrient management specialist.

In order to be certified as a commercial nutrient management specialist, an individual must complete a precertification training course that contains specific topics listed in the rulemaking, pass a written examination, and develop three nutrient management plans. Certification for a public nutrient management specialist requires completion of the precertification training course, passing the written examination, and development of one plan and review of two plans.

Following the precertification course and successful completion of the written examination, provisional certification, which is valid for 3 years, is issued for commercial and public nutrient management specialists. Once the provisional certification has been issued, a commercial nutrient management specialist must develop three nutrient management plans which are reviewed and approved by the State Conservation Commission or its designee. A public nutrient management specialist must develop one, and review two, nutrient management plans that are reviewed and approved by the State Conservation Commission or its designee.

In order to be certified as an individual nutrient management specialist, an individual must complete the precertification training course and successfully complete a written examination. Individual nutrient management specialists are exempt from the preparation and review of nutrient management plan requirements.

All nutrient management specialists must be recertified and complete continuing education requirements every 3 years. The Department will approve and assign credit hours to courses that meet the necessary continuing education requirements. Public and commercial nutrient management specialists must obtain ten credits; individual nutrient management specialists must take six credits.

The Commission submitted detailed comments on the proposed regulation. In response to our Comments, as well as those of other public commentators, the Department amended the regulation by adding several definitions to the regulation, clarified the examination requirements, clarified that interim certification will end on the effective date of the regulation, and provided justification for the administrative fees.

One of the more significant concerns raised on the proposed rulemaking concerned the ability of a public nutrient management specialist to develop nutrient management plans. The proposed rulemaking allowed a public nutrient management specialist to develop plans for a CAO. The Department received numerous comments in opposition to allowing a public nutrient management specialist to develop nutrient management plans. These commentators expressed a concern that if the public sector was allowed to develop plans, it would have a competitive advantage over the private sector because the public sector would be paying a lower certification fee and could potentially subsidize the costs of developing nutrient management plans. The commentators concluded that this would act as a disincentive for private sector busi-

nesses to become certified as nutrient management specialists, resulting in a shortage of nutrient management specialists.

In our Comments, we stated that we believed a public nutrient management specialist should be able to develop plans. We believed it was in the public interest to have a public nutrient management specialist be able to develop plans because it would provide more options to farmers in obtaining a specialist to develop their plans. However, we did recommend that the Department amend the regulation to require that the development of a nutrient management plan be a requirement to be certified as a nutrient management specialist.

The Department amended the regulation to only allow a public nutrient management specialist to review plans and a commercial nutrient management specialist to develop plans. It also amended the regulation to require a public nutrient management specialist to develop a plan in order to become certified. To address our recommendation that a public nutrient management specialist be able to develop plans, the Department added a provision to allow a public nutrient management specialist to become a commercial nutrient specialist (and thus be able to develop plans) by merely developing two more nutrient management plans.

Although we believe the Department should have retained its proposed language allowing a public nutrient management specialist to develop nutrient management plans, we believe the Department has crafted a fair compromise. The regulation will allow a local conservation commission to employ a person dually certified as a public and commercial nutrient management specialist who can develop nutrient management plans for affected farmers.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary for the Department to begin to certify individuals as nutrient management specialists. The regulation will ensure that the nutrient management specialists are properly qualified to develop and review nutrient management plans.

*Therefore, It Is Ordered That:*

1. Regulation No. 2-93 from the Department of Agriculture, as submitted to the Commission on August 2, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held  
August 22, 1996

*Department of Transportation—School Buses and School Vehicles; Doc. No. 18-324*

#### Order

On October 24, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking would amend 67 Pa. Code Chapter 171. The authority for this regulation is §§ 4103, 4551—4553, and 6103 of the Vehicle Code (75 Pa.C.S. §§ 4103, 4551—4553, and 6103). The proposed regulation was published in the December 9, 1995 edition of the *Pennsylvania Bulletin* with a 30-day public comment

period. The final-form regulation was submitted to the Commission on July 30, 1996.

The Department's proposal results from amendments to the Vehicle Code, and the need to bring the Department's regulations into conformity with changes to the Federal Motor Vehicle Safety Standards published in the Code of Federal Regulations. Additionally, the Department's amendments conform with recommendations of the Tenth, Eleventh and Twelfth National Conferences on School Transportation pertaining to minimum standards for school buses and their operation.

The regulation updates existing provisions governing the construction, conversion, maintenance and operation of school buses and school vehicles by amending Subchapters A—G of 67 Pa. Code Chapter 171. Subchapter A, General Provisions, includes changes to the definitions of "school bus" and "school vehicle" to conform to the amended definitions in the Vehicle Code.

Subchapter B, School Bus Chassis Standards make numerous modifications, the most significant of which are changes in color, tires and rims, adopting standards at 49 CFR Part 393 for regrooved tires used on school vehicles, and exhaust systems. Requirements for exhaust systems conform with 49 CFR 393.83 and address concerns with exhaust fumes filtering through open bus windows. The exhaust requirement will become effective June 15, 1998, to allow manufacturers time to convert.

Subchapter C, School Bus Body Standards, makes modifications to existing provisions including aisle clearance and emergency doors, and adds requirements for reflective material based on the recommendations of the Eleventh National Conference, specifying width of markings and placement to enhance visibility of buses. The name of the school district, school or contractor must be lettered on each side of the school bus. Dealer identification insignia are allowed in a specific area and size. Seat belts are required for school buses with a gross vehicle weight rating of 10,000 pounds or less, consistent with 49 CFR 571.222.

Subchapter D, Specially Equipped School Bus Standards, contains additional requirements for securement devices and safety restraints for wheelchairs. Subchapter E, School Vehicle Standards, applies to vehicles designed to carry 11 to 15 passengers including the driver registered in the Commonwealth as a bus and registered to a school prior to September 15, 1993, as well as motor vehicles designed to carry no more than 10 passengers including the driver.

Subchapter F, Mass Transit Pupil Transportation Bus Standards, contains changes pertaining to fire extinguishers, first aid kits, warning devices and seating. Subchapter G contains modifications for operations standards.

We have reviewed this regulation and find it to be in the public interest. During the proposed rulemaking, the Department received comments from the American Academy of Pediatrics, M. A. Brightbill Body Works, Inc., the Elwyne Institute, HMS School for Children with Cerebral Palsy, the Pennsylvania School Bus Association (PSBA), and the University of Pittsburgh School of Health and Rehabilitation Sciences, Rehabilitation Engineering Research Center. The Department responded to these comments through revisions to the final-form rulemaking and explanations in its preamble. Additionally, the Department continued to discuss concerns with commentators prior to submitting its final-form regulations.

In response to our Comments, the Department deleted the effective date of September 1, 1996. We were concerned that if the rulemaking was not approved and published prior to September 1, 1996, the requirements in the regulation would be retroactive. The Department responded by amending the final-form regulation, replacing the September 1, 1996 date with a provision for the rulemaking to become effective upon publication. Additionally, an exception in the Department's order to allow §§ 171.55(b) and 171.124(b) to become effective 1 year from the date of publication was added to the regulation. The exception allows contractors and districts time to make required identification changes on the exterior of buses.

The Department responded to a recommendation of the PSBA to allow the installation of air conditioners in school buses. After meeting with the PSBA and the Transportation Committee, the Department agreed to specify the acceptable locations for after-market air-conditioning units in its regulations at section 171.58, requiring conformance with Federal labeling regulations at 49 CFR 567.7 and 568.8.

Further modifications to the final-form rulemaking included a change to the definition of the term "specially equipped school bus" to focus on the needs of the student rather than the category of student, complete definitions for terms in place of statutory citations to definitions located in the Vehicle Code, and clarification of changes to requirements for reflective material and installation or attachment of exhaust pipes, mufflers, first aid kits and fire extinguishers.

School children will benefit from increased vehicle safety resulting from improved standards in roll over protection, body joint strength, seating crash protection and fuel system integrity. Chapter 171 of the Department's regulations at 67 Pa. Code will also be brought into conformance with the Vehicle Code and with Federal regulations.

*Therefore, It Is Ordered That:*

1. Regulation No. 18-324 from the Department of Transportation, as submitted to the Commission on July 30, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Irvin G. Zimmerman

Public meeting held  
August 22, 1996

*Environmental Quality Board—Storage Tanks; Certification Program; Doc. No. 7-296*

#### **Order**

On November 6, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). It would amend 25 Pa. Code Chapter 245, relating to the administration of the Storage Tank and Spill Prevention Program. The authority for this regulation is section 106 of the Storage Tank and Spill Prevention Act (act) (35 P. S. § 6021.106). The proposed regulation was published in the November 18, 1995 edition of the *Pennsylvania Bulletin*, with a 60-day comment period. The final-form regulation was submitted to the Commission on July 24, 1996.

Section 102(b) of the act reflects the General Assembly's concern that storage tank releases pose a threat to public health and safety of the Commonwealth. Section 107(d) of the act authorizes the Department of Environmental Protection (DEP) to establish regulations governing certification and licensing programs for installers and inspectors of storage tanks and storage facilities. The regulatory scheme addresses the storage of regulated substances in existing and new storage tanks, provides for liability for damages sustained from release or discharge, and requires prompt cleanup and removal of offending substances.

This rulemaking was necessitated by a wide range of issues and concerns, many relating to the specific work performed by certified storage tank installers and inspectors, which developed over the past few years. The DEP formed an informal technical advisory committee (TAC) to review the comments submitted on the proposed version of this rulemaking and to assist it in preparing the final-form regulation. The TAC was comprised of storage tank industry experts, several of whom participated in the formulation of the original Chapter 245 regulation. TAC members have special expertise in the field of tank construction, installation, modification and removal.

Also, consistent with the mandate of section 105 of the act, the DEP worked closely with the Storage Tank Advisory Committee (STAC) in developing both the proposed and the final-form version of this rulemaking. The STAC is comprised of persons representing a cross-section of organizations (including petroleum, service station and auto repair, chemical industry, tank installers, and truck stop operators) having a direct interest in the regulation of storage tanks in Pennsylvania.

Storage tank regulation is governed by a combination of Federal and Pennsylvania law. Federal law includes the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C.A. §§ 6901—6987), as well as regulations promulgated under the authority of RCRA at 40 Code of Federal Regulations (CFR) Part 280. The latter deal with technical standards and corrective action requirements for owners and operators of USTs. The RCRA provides that states may adopt the Federal regulatory program, in full or in part, but the state program must be at least as stringent as the Federal program.

These amendments would modify the existing regulation concerning certification of installers and inspectors of storage tanks governed by the act to make it easier for qualified individuals to become certified. The objective is to increase the pool of certified tank inspectors. An increase in the pool of certified inspectors, in turn, will help achieve the tank inspection and safety goals of the act.

The final rulemaking would amend current Subchapters A and B of Chapter 245. The changes in Subchapter A (general provisions) include further changes in definitions, addition of tank tightness testing requirements, and clarification of which Federal UST rules have been incorporated by reference.

The changes to Subchapter B (certification program for installers and inspectors of storage tanks and storage tank facilities) make up the bulk of the regulation. The changes consolidate several certification categories, eliminate unnecessary certifications and change the requirements for certification approval. Other changes relate to suspension and revocation of certification, the renewal and amendment of certification, and examination requirements and performance standards.

Section 245.105, relating to certification examinations, was the subject of many commentators' comments. As published, the proposed rulemaking sought to amend section 245.105(d) to require an applicant to get a minimum score of 80% (instead of the current 90%) on the technical section of the examination. It also proposed to eliminate the current 90% passing score requirement for training programs and require an applicant achieve a minimum score of 80% on the administrative section of the examination.

In our Comments on section 245.105, we recommended that the EQB retain the current 90% minimum passing grade on the technical portion of the examination, but use the proposed 80% minimum passing grade on the administrative portion of the examination. We also noted that the present 90% minimum passing rate is not so high that it has resulted in a current shortage of permanently certified tank installers and inspectors. The final-form regulation was amended accordingly, reflecting the view that the technical portion of the examination is more important than the administrative portion. The final-form regulation also carried forward the elimination of the passing score requirement for training programs.

There were 20 commentators on the proposed version of this rulemaking in addition to the Commission's Comments. Almost all commentators expressed general support, but many also suggested amendments to certain specific provisions. The Agricultural Advisory Board and its subcommittee on storage tanks also had an opportunity to review and comment on the proposed rulemaking.

The DEP worked closely with the TAC and the STAC in reviewing the questions, suggestions and issues raised in the comments on the proposed rulemaking and in preparing the final-form regulation. The final-form regulation incorporated many of the changes suggested by commentators. At its meeting on May 8-9, 1996, the STAC reviewed and discussed the final-form amendments; it then issued a written report approving the final-form version of the regulation to be presented to the EQB.

These rulemaking amendments will affect owners and operators of regulated storage tanks as defined in the act. Affected parties include, among others: service station owners; heating oil distributors; owners of large heating oil storage tanks; commercial businesses; petroleum refineries; chemical manufacturers, distributors and users; Federal, State and local governments; installers of ASTs and USTs; storage tank inspectors and testers; companies employing certified inspectors and installers of ASTs and USTs; and manufacturers of field-erected ASTs and USTs.

The EQB and DEP have stated that there will be no net increase in costs on the private sector or for any person subject to the act and this regulation. The DEP expects, in fact, that the regulated community (including the private sector) will have reduced costs as a result of fewer required number of inspections combined with additional inspectors qualified to perform the work required. This rulemaking will also eliminate some heating oil tanks and Federally-exempt tanks from regulation, which will reduce costs to the owners of those tanks.

By consolidating several of the certified installer categories and reducing specialization categories, the EQB and the DEP expect that the final-form regulation should make it easier for owners and operators of storage tank facilities to employ only one installer to perform necessary tank handling activities.

We have reviewed this regulation and find it to be in the public interest. The EQB and DEP have incorporated into the final-form regulation the changes suggested by our Commission and many of those submitted by other commentators. Although the proposed version of the rulemaking did not include any of the amendments to the act made by Act 16 of 1995, all inconsistencies between the proposed version of this rulemaking and the amended act were corrected in the final-form regulation.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-286 from the Environmental Quality Board, as submitted to the Commission on July 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1489. Filed for public inspection September 6, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Changes to Eligible Surplus Lines Insurer List

The Insurance Department Eligible Surplus Lines Insurer List published at 26 Pa.B. 2672 (June 1, 1996) should be amended to reflect the following name and key number changes:

From:	4010	Agricultural Excess and Surplus Lines Insurance Company
To:	4010	Agricultural Excess and Surplus Insurance Company
From:	4225	Dearborn Insurance Company
To:	4475	Legion Indemnity Company
From:	4315	Fidelity Environmental Insurance Company
To:	4315	Fidelity Excess and Surplus Insurance Company
From:	4960	Western Alliance Insurance Company
To:	4985	ZC Specialty Insurance Company

Persons who have any questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, telephone (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1490. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Delta Dental of Pennsylvania; Proposed Schedule I to Delta Dental; Master Service Contract (MC-3, Rev. 9/94); Form No. S-I-PRM-3

Delta Dental of Pennsylvania has filed Schedule I, Form No. S-I-PRM-3, to Delta Dental Service Contract MC-3 for the prospective funding method with a more varied eligibility structure for dependents. A rate impact is anticipated. This form filing consists of five pages.



Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections, to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health

Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1491. Filed for public inspection September 6, 1996, 9:00 a.m.]

### List of Approved Peer Review Organizations; Notice No. 1996-16

On February 7, 1990, Pennsylvania's auto reform law (Act 6) was signed into law. This law was designed to reduce the cost of providing private passenger automobile insurance in Pennsylvania, and provides mechanisms to pass the costs savings from insurance companies to insurance consumers.

75 Pa.C.S. § 1797(b) (relating to customary charges for treatment) provides for the utilization of Peer Review Organizations (PRO) by property and casualty insurers for the purpose of evaluating the quality and medical necessity of health care treatment and services for victims of motor vehicle accidents.

Act 6 requires that insurers contract only with PROs that have been approved by the Insurance Commissioner.

The Insurance Department hereby lists, in Annex A, those PROs which were approved as of August 15, 1996. Hereafter, a listing of approved PROs will be published by the Insurance Department in the *Pennsylvania Bulletin* on or about April 1 of each year.

Questions regarding this notice or PROs generally may be directed to Carolyn Montgomery, Director, Bureau of Consumer Services, Insurance Department, 1321 Strawberry Square, Harrisburg, PA 17120; telephone (717) 787-2317; fax (717) 787-8585.

LINDA S. KAISER,  
*Insurance Commissioner*

#### ANNEX A

Accurate Medical Analysis  
P. O. Box 437  
Pottstown, PA 19464

Action of Pennsylvania, Inc.  
P. O. Box 247  
Olyphant, PA 18447

Action, Inc.  
P. O. Box A  
1569 Main Street  
Peckville, PA 18452

ADC-NCC  
P. O. Box 4190  
Marietta, GA 30061-4190

ADP Claims Solutions Group  
10401 Fernwood Road  
Suite 250  
Bethesda, MD 20817

Advanced Rehabilitation Management,  
Inc.  
2300 Computer Avenue  
Building G—Suite 44  
Willow Grove, PA 19090

Advocate Review Services  
402 A Benson East  
Jenkintown, PA 19046

American Claims Review, Inc.  
6717 S. Yale, Suite 110  
Tulsa, OK 74136

American Dental Examiners  
370 7th Avenue  
Suite 1206  
New York, NY 10001

American Medical Evaluations  
242 Long Lane  
Upper Darby, PA 19082

A. E. Maxwell Associates  
8110 Heacock Lane  
Wyncote, PA 19095

Bill-Chek, Ltd.  
1700 Suckle Highway  
Pennsauken, NJ 08110

Business Health Cost Management  
Services  
7600 Central Avenue  
Philadelphia, PA 19111

Caduceus Review  
447 West Moreland Road  
Willow Grove, PA 19090

Caduceus-Lex Medical Auditing, Inc.  
R. D. #1, Box 93-AA  
Markleysburg, PA 15459

Cambridge Medical Consultants  
255 Friend Street  
5th Floor  
Boston, MA 02114-1812

CEC Associates, Inc.  
The Commons at Valley Forge  
Unit No. 9, P. O. Box 911  
1220 Valley Forge Road  
Valley Forge, PA 19482

CEC, Inc. (Chiropractic Evaluation  
Center)  
218 Center Road  
Monroeville, PA 15146-1749

Centra Med  
630 Fairview Road  
Suite 100  
Swarthmore, PA 19081

Chiro-Med Review Company  
2710 Township Line Road  
Upper Darby, PA 19082

ChiroPeers  
117 South 17th Street  
Suite 407  
Philadelphia, PA 19103

Claims Review Associates  
660 American Avenue  
Suite 103  
King of Prussia, PA 19406

Clinical Practice Associates, Inc.  
1288 Valley Forge Road  
P. O. Box 922  
Valley Forge, PA 19482-0922

Coastal Associates, Inc.  
11 St. Albans Circle  
Newtown Square, PA 19073

- Commonwealth Allied Health Services & Review  
5930 Hamilton Rd.  
Suite 103  
Wescosville, PA 18106
- Consultative Review & Rehabilitation, Inc.  
20 Lee Ann Drive  
Blackwood, NJ 08012-5301
- C.A.B. Medical Consultants  
306 Walnut Street  
Philadelphia, PA 19106
- Disability Management Associates  
100 Diplomat Drive  
Lester, PA 19113-2304
- East Coast Peer Reviews  
Spruce Street Medical Building  
235 West Spruce Street  
Shamokin, PA 17872
- Haber, Constance  
One Monroeville Center  
Suite 330  
Monroeville, PA 15146
- Hoover Rehabilitation Services, Inc.  
205 House Avenue  
P. O. Box 8872  
Camp Hill, PA 17011-8872
- Independent Medical and Dental Consult., Inc.  
2215 Old Marlton Pike  
P. O. Box 448  
Marlton, NJ 08053-0448
- Industrial Medical Consultants, Inc.  
Suite 340  
4815 Liberty Avenue  
Pittsburgh, PA 15224
- INTERPOSE  
326 Center Avenue  
Verona, PA 15147
- KEPRO  
777 East Park Drive  
P. O. Box 8310  
Harrisburg, PA 17105-8310
- McPhaden Rehab. Services, Inc. (MRSI)  
P. O. Box 1267  
Hightstown, NJ 08520
- Medical Investigation Group  
P. O. Box 347  
Chester Springs, PA 19425
- Medical Review Network  
Three Station Square  
Suite 105  
Paoli, PA 19301-1321
- MED. SERV. & EVAL. CO.  
909 Germantown Pike  
Norristown, PA 19401
- Comprehensive Medical Review—CMR  
6480 Weathers Place, Suite 240  
San Diego, CA 92121
- CorVel Corporation  
Foster Plaza 5  
651 Holiday Drive  
Pittsburgh, PA 15220
- Delaware Valley Peer Review Organization  
1407 Foulk Road  
Suite 200  
Wilmington, DE 19803
- Disability Outreach  
P. O. Box 62130  
King of Prussia, PA 19406
- First Choice PRO  
300 Sewickley Avenue  
Herminie, PA 15637
- Hamilton & Jordan, Inc.  
1398 Wilmington Pike  
West Chester, PA 19382
- II Opinion, Inc./VRS, Inc.  
4423 North Front Street  
Harrisburg, PA 17110
- Independent Medical Consultants, Inc.  
1 Whitehorse Center  
Whitehorse Pike  
Route 206  
Hammonton, NJ 08037
- Innovative Health System, Inc.  
P. O. Box 2255  
Hudson, OH 44236
- Kelly Family Chiropractic, D.C.  
701 Floral Vale Blvd.  
Yardley, PA 19067
- Laurel Rehabilitation Services  
67 South Black Horse Pike  
Blackwood, NJ 08012
- Medical Determinations, P.C.  
75-35 31st Avenue  
East Elmhurst, NY 11370
- Medical Planning & Review  
Suite 555  
15 E. Ridge Pike  
Conshohocken, PA 19428
- Medimax, Inc.  
2080 Cabot Blvd.  
Suite 204  
P. O. Box 337  
Langhorne, PA 19047
- Nadent Group, The  
309 Main Street  
P. O. Box 10  
Islip, NY 11751
- Consolidated Rehabilitation Corporation  
P. O. Box 1719  
Lansdale, PA 19446-0827
- Crawford & Company  
1800 Linglestown Road  
Suite 407  
Harrisburg, PA 17110
- Dickson Gabbay Emerson  
2301 West Valley Business Center  
950 West Valley Road  
Wayne, PA 19087-1824
- Doctors Review Service, Inc.  
815 Harker Avenue  
West Deptford, NJ 08096
- Goldberg, Herbert L. DDS  
528 Delancey Street  
Philadelphia, PA 19106
- HealthQuest Review Services, Inc.  
1700 Suckle Highway  
Pennsauken, NJ 08110
- IMX  
3320 Goodley Road  
Boothwyn, PA 19061
- Industrial Health Service  
dba/Industrial Rehabilitation Associates  
Medical Arts Building, Suite L06  
Front Street and Lehigh Avenue  
Philadelphia, PA 19125
- International Healthcare Consultants, Inc.  
P. O. Box 7029  
Marietta, GA 30065
- Kenneth Frank Enterprises  
2705 Pine Valley Lane  
Ardmore, PA 19003
- LRC Rehabilitation Consultants, Inc.  
Station Square One  
Suite 202  
Paoli, PA 19301
- Medical Evaluation Specialists  
230 S. Broad Street  
Suite 05W  
Philadelphia, PA 19102
- Medical Review Associates  
P. O. Box 421  
Dresher, PA 19025
- Med-Tech Reviews, Inc.  
P. O. Box 804  
Collegeville, PA 19426
- Northeastern Review Services  
1406 Gordon Street  
Allentown, PA 18102

Novak, Alton J. D.D.S.  
Suite 2309—Medical Tower Building  
255 South 17th Street  
Philadelphia, PA 19103

OPTIONS  
700 River Avenue  
Suite 400  
Pittsburgh, PA 15212

Peer Auto Review, Inc.  
2121 Noblestown Road—Suite 202  
Pittsburgh, PA 15205

Pegasus Administrators  
P. O. Box 486  
Chadds Ford, PA 19317

Penn National Review, Inc.  
2326 S. 12th Street, Suite 100  
Philadelphia, PA 19148

Precertification Center, The  
P. O. Box 898125  
Camp Hill, PA 17089-8125

Proclaim Review Company  
45 Lamp Post Lane  
Somerdale, NJ 08083

Professional Reviews, Inc.  
P. O. Box 930250  
Norcross, GA 30093

Quality Rehabilitation Services (QRS)  
P. O. Box 789  
Norristown, PA 19404

Rehabilitation Planning, Inc.  
Whitemarsh Plaza  
Suite 550  
15 E. Ridge Pike  
Conshohocken, PA 19428

Resource Opportunities, Inc.  
The Plymouth Woods  
525 Plymouth Road, Suite 302  
Plymouth Meeting, PA 19462

T & G Reviews  
Rear 512 Montour Street  
Suite A  
Montoursville, PA 17754

Tri-State IME, Inc.  
529 Moreno Road  
Wynnewood, PA 19096

United Medical Philadelphia  
100 North 17th Street  
Fifth Floor  
Philadelphia, PA 19103

U.S. Medical Review, Inc.  
7906 High School Road  
P. O. Box 7137  
Elkins Park, PA 19117

Omega Review Services  
P. O. Box 7833  
Philadelphia, PA 19101

PA Asso of Chirop Ins Consultants &  
Examiners  
825 Philadelphia Road  
Easton, PA 18042

PEER Inc.  
655 Northern Blvd.  
The Wellsley Building  
Clarks Summit, PA 18411

Penn Diagnostic Center, Inc.  
Ten Penn Center  
1801 Market Street  
Suite 200  
Philadelphia, PA 19103

Perspective Consulting, Inc.  
672C Main Street  
Harleysville, PA 19438

PRIMECOR, Inc.  
735 Chesterbrook Blvd.  
Suite 200  
Wayne, PA 19087

Professional Claims Management  
2326 S. 12th Street, Suite 103  
Philadelphia, PA 19148

Quality Assurance Reviews  
707 Lakeside Drive  
Southampton, PA 18966-4020

Reasonable Ins. Consultations  
Evaluations  
111 Upper Shawnee Avenue  
Easton, PA 18042

Rehabit, Inc.  
2 East Penn Avenue  
Robesonia, PA 19551

Solomon Associates, Inc.  
1210 Bethlehem Pike B8  
Dept 304  
North Wales, PA 19454

Target PRO, Inc.  
1601 Church Road  
Glenside, PA 19038

Tri-State Peer Review Organization  
4146 Library Road  
Pittsburgh, PA 15234

Universal Chiropractic Physicians  
Nationwide  
P. O. Box 1154  
Rahway, NJ 07065

VERTIS Group, The  
P. O. Box 1030  
Coraopolis, PA 15108

Omni Medicorp, Ltd.  
12000 J Commerce Parkway  
Mount Laurel, NJ 08054

Paul, Leonard M. Ed.D, P.C.  
7440 New Second Street  
Melrose Park, PA 19126

PEER-NET, Inc.  
2821 Miriam Avenue  
Abington, PA 19001

Penn Medical Review  
404 Yankee Court  
Newtown Square, PA 19073-1129

Pittsburgh Medical Assessment Center  
Webster Hall Plaza  
4415 5th Avenue  
Pittsburgh, PA 15213

Pro Claims, Inc.  
Valley Forge Road  
P. O. Box 825  
Valley Forge, PA 19482-0825

Professional Medical Consultants, Inc.  
P. O. Box 1085  
Medford, NJ 08055

Quality Claims Review  
P. O. Box 3070  
Munhall, PA 15120

Rehabilitation Auditing & Placement  
Srv. Inc.  
2121 Noblestown Road  
Pittsburgh, PA 15205

Resolve  
P. O. Box 97132  
Pittsburgh, PA 15229

Star PRO  
Corporate Executive Office  
Baltimore Pike and West Avenue  
Springfield, PA 19064

The pt Group  
1275 S. Main Street  
Suite 203  
Greensburg, PA 15601

United Medical Associates (UNIMED)  
108 E. Beidler Road  
King of Prussia, PA 19406

USA Review, Inc.  
80 8th Avenue  
New York, NY 10011

Villanova Rehabilitation Consultants,  
Inc.  
P. O. Box 326  
Wayne, PA 19087-0326

Wenmar Associates, Inc.  
198 Allendale Road  
Suite 405  
King of Prussia, PA 19406

Worldwide Auditing Services, Inc.  
100 W. Main Street  
P. O. Box 149  
Lansdale, PA 19446-0149

West Penn I.M.E., Inc.  
P. O. Box 210  
N. Versailles, PA 15137

WRS  
P. O. Box 1644  
Lancaster, PA 17608

WorkWell  
Carnegie Office Park VI  
Suite 200  
Carnegie, PA 15106

Zabinski, Robert C.D.C.  
Zabinski Chiropractic Office  
3028 Market Street  
Camp Hill, PA 17011

[Pa.B. Doc. No. 96-1492. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Nonregulatory Documents

Under Governor Ridge's Executive Order 1996-1, agencies under the jurisdiction of the Governor must catalog and publish all nonregulatory documents such as policy statements, guidance manuals, decisions, rules and other written materials that provide compliance related information. The following list updates the catalog of the Insurance Department's Nonregulatory Documents as published at 26 Pa.B. 3692, 3744 (August 3, 1996). Hereafter, the list will be updated and published annually on the first Saturday in August.

#### NONREGULATORY DOCUMENTS September 1996

#### I. NOTICES

##### Executive Office

##### *Insurance Department Notices*

<i>No.</i>	<i>Date</i>	<i>Description</i>
	8/28/86	Ceding Credit Life/Accident and Health Insurance to Insurers Owned by Agents, Brokers or Creditors
	6/16/87	Ceding Credit Life/Accident and Health Insurance to a Single Producer-Owned Captive Reinsurer
92-2	4/24/92	Joint State/Federal Statement on Regulation on MEWAs
92-7	7/1/92	Change of Insurer Notification Form (Form D) For Credit Insurance
92-8	7/1/92	Pre-Existing Condition Exclusions—Credit Life And Credit Accident and Health Insurance
92-10	7/1/92	Joint Credit Accident and Health Insurance
92-13	7/4/92	Non-Forfeiture and Valuation—Statutory Maximum Interest Rates
92-14	9/4/92	Credit Life and Accident and Health Insurance Connection with Fixed Residual Value Financing of Motor Vehicles
92-15	9/4/92	Suicide Exclusion—Credit Life Insurance
93-11	6/8/93	Joint Credit Life Insurance and Joint Credit Accident and Health Insurance Refund Calculation
93-19	11/19/93	PA Code, Chapter 25, Rules and Procedural Requirements for Insurance Holding Company Systems
94-1	3/1/94	Guidelines for Record Retention
94-11	10/3/94	General Account Modified Guaranteed Annuity
94-12	10/3/94	Separate Account Modified Guaranteed Annuity
94-13	10/3/94	General Account Modified Guaranteed Life Insurance
94-14	10/3/94	Separate Account Modified Guaranteed Life Insurance
94-15	10/3/94	Nonforfeiture and Valuation Statutory Interest Rates
94-18	11/15/94	Guidelines for Record Retention
95-1	1/11/95	Valuation Standards for Life and Health and Accident Insurance
95-7	7/19/95	Modification of Contract for Use When an Annuity Premium Tax is Not Applicable
95-9	8/23/95	Deregulation of Commercial Lines Property And Casualty Forms
96-1	3/20/96	Deregulation of Accident and Health Forms
96-2	3/20/96	Lloyd's of London Notice

<i>No.</i>	<i>Date</i>	<i>Description</i>
96-3	4/1/96	Calculation of Maximum Interest Rate Chargeable By Insurance Premium Finance Companies
96-4	4/8/96	Risk-Based Capital Reporting Requirements
96-5	4/18/96	Prepaid Pennsylvania Premium Taxes
96-6	5/4/96	Amendments to the Unfair Insurance Practices Act; Prohibiting Insurance Companies from Denying Coverage to Victims of Domestic Violence
96-7	5/25/96	Limited Liability Companies
96-8	5/14/96	Department Mailing of Surplus Lines Notices
96-9	7/6/96	Notice of Requirement to File Loss Cost Statistical Data for Workers' Compensation Insurers
96-10	7/20/96	Repeal of Outdated Bulletins, Notices and Statements of Policy
96-11	7/13/96	Addition to List of Eligible Surplus Lines Insurers
96-12	8/7/96	Restitution in Act 205 Cases
96-13	8/24/96	Deregulation of Life Insurance Forms
96-14	9/7/96	Changes to Insurance Department Eligible Surplus Lines List
96-15	9/7/96	Repeal of Outdated Bulletins, Notices and Statements of Policy
96-16	9/7/96	List of Approved Peer Review Organizations

Contact: Patricia R. Seif, Senior Advisor to the Commissioner, (717) 787-4298; fax (717) 772-1969

## II. OTHER:

### Bureau of Administrative Hearings

#### *Act 78 Automobile Digest*

Insurance Commissioner Decisions on Automobile Insurance Administrative Hearings

#### *Act 205 Homeowners Digest*

Insurance Commissioner Decisions on Homeowners Insurance Administrative Hearings

#### *Act 143 Agency Digest*

Administrative Hearing Officer Decisions on Insurance Agency Administrative Hearings

Contact: Galen Waltz, Acting Chief Hearing Officer, (717) 783-2126; fax (717) 787-8781

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1493. Filed for public inspection September 6, 1996, 9:00 a.m.]

### **Pennsylvania Blue Shield; Basic Medical/Surgical Individual Product Rates (Nongroup Direct Pay Policy Holders); Filing No. 96110000**

By filing no. 96110000, Pennsylvania Blue Shield requests approval of an increase to its medical/surgical individual product rates for UCR 100, 5000S, Plan C and 1800S. The filing requests increases ranging from 0% to 24.7%, varying by product and Blue Cross Plan area, resulting in an aggregate increase of 13.6%.

This is the first rate increase requested for this segment since 1991. The request is to implement the new rates effective November 1, 1996. The rate increase will generate an additional annual income of about \$5.4 million and will affect approximately 51,500 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regula-

tion, 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. 96-1494. Filed for public inspection September 6, 1996, 9:00 a.m.]

### **Pennsylvania Blue Shield; Community-Rated Dental Group Product Rates; Filing No. 96150000**

By filing no. 96150000, Pennsylvania Blue Shield requests approval of an increase to its Community-Rated Dental Group product rates. The filing requests an average increase of 13.01%, which varies by Blue Cross Plan area.

This is the first rate increase requested for community group rates for dental since 1993. The request is to implement the new rates effective November 1, 1996. The rate increase will generate an additional annual income of about \$4.5 million and will affect approximately 124,000 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to 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. 96-1495. Filed for public inspection September 6, 1996, 9:00 a.m.]

**Pennsylvania Blue Shield; Community-Rated Medical/Surgical Group Product Rates; Filing No. 96120000**

By filing no. 96120000, Pennsylvania Blue Shield requests approval of an increase to its Community-Rated Medical/Surgical Group product rates for UCR 100, UCR 80-20, 5000S, Plan C, 1800S and UCR 100 deductible options. The filing requests increases ranging from 0% to 22.7%, varying by product and Blue Cross Plan area, resulting in an average increase of 12.1%.

This is the first rate increase requested for this segment since 1991. The request is to implement the new rates effective November 1, 1996. The rate increase will generate an additional annual income of about \$19.9 million and will affect approximately 187,000 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to 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. 96-1496. Filed for public inspection September 6, 1996, 9:00 a.m.]

**Pennsylvania Blue Shield; Community-Rated Medicare Supplement Group Product Rates; Filing No. 96130000**

By filing no. 96130000, Pennsylvania Blue Shield requests approval of an increase to its Community-Rated Medicare Supplement Group product rates. The filing requests an average increase of 17.8%, varying by Blue Cross Plan area as follows:

Plan Area	Percentage Increase	Average Increase Per Sub. Month
Blue Cross of Northeastern PA	23.027%	\$7.15
Blue Cross of Western PA	0.000%	0.00

Plan Area	Percentage Increase	Average Increase Per Sub. Month
Capital Blue Cross	21.062%	6.15
Independence Blue Cross	15.476%	8.17

This is the first rate increase requested for this product since 1991. The request is to implement the new rates effective November 1, 1996. The rate increase will generate an additional annual income of about \$28 million and will affect approximately 32,000 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to 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. 96-1497. Filed for public inspection September 6, 1996, 9:00 a.m.]

**Pennsylvania Blue Shield; Community-Rated Vision Group Product Rates; Filing No. 96140000**

By filing no. 96140000, Pennsylvania Blue Shield requests approval of an increase to its Community-Rated Vision product rates. The filing requests an average increase of 17.5%, varying by Blue Cross Plan area.

This is the first rate increase requested for this product since 1993. The request is to implement the new rates effective November 1, 1996. The rate increase will generate an additional annual income of about \$0.7 million and will affect approximately 73,900 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to 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. 96-1498. Filed for public inspection September 6, 1996, 9:00 a.m.]

**Pennsylvania Blue Shield; Individual Security 65 Rates; Medicare Supplement Plans A, B, C and H; Filing No. 96100000**

By filing no. 96100000, Pennsylvania Blue Shield requests approval of an increase to its individual Security 65 (Medigap) product rates. The request is to implement the new rates effective January 1, 1997. The average percentage rate increase by Blue Cross Plan Area are as follows:

<i>Plan Area</i>	<i>Percentage Increase</i>
Blue Cross of Northeastern PA	7.052%
Blue Cross of Western PA	0.000%
Capital Blue Cross	8.442%
Independence Blue Cross	7.412%

This rate increase will generate an additional annual income of about \$11.7 million and will affect approximately 422,000 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to 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. 96-1499. Filed for public inspection September 6, 1996, 9:00 a.m.]

### **Pennsylvania Blue Shield; Rate Reduction for Special Care (A Nongroup Medical/Surgical Product); Filing No. 96160000**

By filing no. 96160000, Pennsylvania Blue Shield requests approval of a reduction to its non-group Special Care product rates. The filing requests an average 4.5% reduction, varying by Blue Cross Plan area. The request is to implement the new rates effective November 1, 1996. This will affect approximately 38,500 policy holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to 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. 96-1500. Filed for public inspection September 6, 1996, 9:00 a.m.]

### **Repeal of Outdated Bulletins, Notices and Statements of Policy; Notice No. 1996-15**

The Insurance Commissioner proposed to repeal the Bulletins, Notices and Statements of Policy as published at 26 Pa.B. 3496 (July 20, 1996). No comments were received. However, during the Insurance Department's review, it was determined that the following bulletins had been inadvertently omitted from the list previously published. Therefore, the Commissioner hereby repeals all of the notices published at 26 Pa.B. 3496 and the following bulletins:

<i>No.</i>	<i>Date</i>	<i>Description</i>
	4/15/70	Premium Taxes
	12/13/75	Medical Professional Liability Insurance; Notice by Insurers to Policyholders
	1/24/76	Medical Professional Liability Insurance; Coverage Limits
	12/3/77	Medical Professional Liability Catastrophe Loss Fund 1978 Surcharge
	5/9/81	Withdrawal of Previously Published Notice (Surcharge for Persons on ARD)
	9/19/81	Medical Professional Liability Catastrophe Loss Fund 1982 Surcharge
	4/30/82	Insurance Carriers Writing Medical Malpractice Insurance Basic Limits as of 1983
	7/17/82	Medical Professional Liability Catastrophe Loss Fund 1983 Surcharge
	9/24/82	Medical Professional Liability Catastrophe Loss Fund 1983 Surcharge
	7/1/83	Medical Professional Liability Catastrophe Loss Fund 1984 Surcharge
	10/29/83	Medical Professional Liability Catastrophe Loss Fund 1984 Surcharge
1995-15	12/29/95	Guidelines for Records Retention

Questions regarding the repeal of these notices may be addressed to Patricia R. Seif, Senior Advisor to the Commissioner, Program Services Office, 1326 Strawberry Square, Harrisburg, PA 17120, telephone (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1501. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Ralph Battinieri; file no. 96-264-34129; Nationwide Insurance Company; doc. no. PH96-08-032; September 24, 1996, at 10 a.m.;

Appeal of Charles O. Miller, Jr.; file no. 96-124-04216; Hartford Underwriters Insurance Company; doc. no. P96-08-042; September 26, 1996, at 11 a.m.;

Appeal of Leroy and Ramona Kirkland; file no. 96-124-04521; Liberty Mutual Insurance Company; doc. no. P96-08-044; September 26, 1996, at 1 p.m.;

Appeal of Brian and Debra Shoff; file no. 96-188-04681; Pennsylvania National Insurance Company; doc. no. P96-08-046; September 26, 1996, at 2 p.m.;

Appeal of Thomas Grove; file no. 96-121-04595; Erie Insurance Exchange; doc. no. P96-08-043; October 1, 1996, at 11 a.m.;

Appeal of John R. Jerkes; file no. 96-121-04981; Erie Insurance Exchange; doc. no. P96-08-041; October 1, 1996, at 2 p.m.;

Appeal of Alice R. Paranzino; file no. 96-303-71838; Erie Insurance Company; doc. no. P196-08-035; October 1, 1996, at 3 p.m.;

Appeal of Rameses and Carol Lee; file no. 96-265-34168; State Farm Mutual Auto Insurance Company; doc. no. PH96-08-033; October 2, 1996, at 2 p.m.;

Appeal of Lisa Ann and Stephen Herbert; file no. 96-264-33883; State Farm Insurance Company; doc. no. PH96-08-029; October 9, 1996, at 9 a.m.;

Appeal of Duke L. Race; file no. 96-303-71754; Pioneer Family Auto Policy; doc. no. PI96-08-034; October 15, 1996, at 9 a.m.;

Appeal of Arthur L. Johnston; file no. 96-265-33959; Erie Insurance Exchange; doc. no. PH96-08-030; October 15, 1996, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1502. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Aetna Life & Casualty company; file no. 94-407-90946; Paul Gettleman; doc. no. E94-10-001; October 22, 1996, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1503. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Elwood D. Sapp; file no. 96-121-04694; Donegal Mutual Insurance Company; doc. no. P96-08-038; September 24, 1996, at 3 p.m.;



Appeal of Arthur Denisio; file no. 96-183-04838; USF&G; doc. no. P96-08-039; September 26, 1996, 9 a.m.;

Appeal of Maurice Rostolsky; file no. 96-121-04892; Old Guard Mutual Insurance Company; doc. no. P96-08-040; September 26, 1996, at 10 a.m.;

Appeal of Charlene Heckathorn; file no. 96-407-90790; State Farm Fire & Casualty Insurance Company; doc. no. E96-08-036; October 2, 1996, at 1 p.m.;

Appeal of Gerald Steskal; file no. 96-264-34130; State Farm Fire & Casualty Insurance Company; doc. no. PH96-08-031; October 2, 1996, at 3 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1504. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Donegal Mutual Insurance Company; file no. 96-193-04713; Robert McCombs; doc. no. P96-08-037; September 24, 1996, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary

evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5) procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1505. Filed for public inspection September 6, 1996, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Pamphlet Laws and Slip Laws Printing and Binding; Request for Bids

Sealed proposals will be received by the Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, PA 17120-0033, until 10 a.m., Thursday, October 24, 1996, and then publicly opened and read, for a contract for printing and binding of the Pamphlet Laws and a contract for printing and binding of the Slip Laws of Pennsylvania for the contract period beginning January 1, 1997, and ending December 31, 1998, with provision for optional renewal for one additional 2-year period.

Facilities for offset printing and pamphlet binding are required. The Pamphlet Law contract requires case binding by Smyth sewing. At the discretion of the Bureau, subcontracting by bidders will be considered.

Bids must be accompanied by a certified or bank cashier's check in the sum of \$1,000. The Bureau reserves the right to reject any or all parts of bids and to waive technical defects in bids. Blanks and information may be obtained upon application to Marilyn Puskarich, phone number (717) 787-6060, at the above address.

CARL L. MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-1506. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Pennsylvania Consolidated Statutes Printing, Binding, Storage and Distribution; Request for Bids

Sealed proposals will be received by the Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, PA 17120-0033, until 10 a.m., Thursday, October 24, 1996, and then publicly opened and read, for printing, binding, storage and distribution of the Pennsylvania Consolidated Statutes for the contract period beginning January 1, 1997, and ending December 31, 1998, with provision for optional renewal for one additional 2-year period.

Facilities for offset printing, pamphlet binding, storage and periodic mailing or other distribution are required. At the discretion of the Bureau, subcontracting by bidders will be considered.

Bids must be accompanied by a certified or bank cashier's check in the sum of \$1,000. The Bureau reserves the right to reject any or all parts of bids and to waive technical defects in bids. Blanks and information may be obtained upon application to Marilyn Puskarich, phone number (717) 787-6060, at the above address.

CARL L. MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-1507. Filed for public inspection September 6, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lancaster County, Wine & Spirits Shoppe #3608, Manor Shopping Center, 1234 Millersville Pike, Lancaster, PA 17603-6656.

*Lease Expiration Date:* September 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,800 to 5,400 net useable square feet of new or existing retail commercial space within 1.5 miles of the intersection of Millersville Pike (Route 999) and Charles Road.

*Proposals due:* October 4, 1996, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Bucks County, Wine & Spirits Shoppe #0920, Quakertown Shopping Center, 1465 W. Broad Street, Quakertown, PA 18951-1189.

*Lease Expiration Date:* February 28, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space on Route 309, between Rich Hill Road and Pumping Station Road, in or near Quakertown.

*Proposals due:* October 4, 1996, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Susquehanna County, Wine & Spirits Shoppe #5803, The Shops, 236 Erie Boulevard, Susquehanna, PA 18847-1225.

*Lease Expiration Date:* September 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 to 2,000 net useable square feet of new or existing retail commercial space within the Borough of Susquehanna.

*Proposals due:* October 11, 1996, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1508. Filed for public inspection September 6, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Railroad With Hearing

**C-00968073. Complaint of the United Transportation Union, et al. v. Consolidated Rail Corporation.** A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complaint requests an inspection of Railroad Yard in Beaver County and recommendations to rectify the current conditions thereof.

An initial hearing public hearing upon this proceeding will be held Thursday, October 31, 1996, at 10 a.m., in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1509. Filed for public inspection September 6, 1996, 9:00 a.m.]

### Railroad With Hearing

**I-00960049. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 531 093 M) carrying School House Land over and above the grade of the tracks of Southeastern Pennsylvania Transportation in the City of Philadelphia.

A public hearing in this investigation will be held Tuesday, November 19, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Build-

ing, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1510. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960053. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 592 622 K) carrying Main Street S. R. 4013, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Sellersville Borough, Bucks County.

A public hearing in this investigation will be held Tuesday, October 8, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1511. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960054. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 589 948 X) carrying Street Road, S. R. 2043, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Bensalem Township, Bucks County.

A public hearing in this investigation will be held Tuesday, October 8, 1996, at 1 p.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1512. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960055. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 530 114 A) carrying City Line Avenue, S. R. 0001, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in the City of Philadelphia.

A public hearing in this investigation will be held Wednesday, October 9, 1996, at 10 a.m. in an available

hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1513. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960056. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 593 122 R) carrying State Route 2025, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Cheltenham Township, Montgomery County.

A public hearing in this investigation will be held Thursday, October 17, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1514. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960057. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 592 995 J) carrying State Route 2023, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Cheltenham Township, Montgomery County.

A public hearing in this investigation will be held Thursday, October 17, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1515. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960058. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 592 993 V) carrying State Route 2054, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Cheltenham Township, Montgomery County.

A public hearing in this investigation will be held Thursday, October 17, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1516. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960059. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 592 812 V) carrying Bridge Street, over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Springfield Township, Montgomery County.

A public hearing in this investigation will be held Wednesday, October 16, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1517. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Railroad  
With Hearing**

**I-00960060. Southeastern Pennsylvania Transportation.** Investigation into the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 589 933 H) carrying State Route 0611 over and above the grade of the tracks of Southeastern Pennsylvania Transportation (SEPTA) in Abington Township, Montgomery County.

A public hearing in this investigation will be held Wednesday, October 16, 1996, at 1 p.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1518. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered

as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before September 30, 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.

**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-00113312. Anthony Patterson, t/d/b/a TP Moving & Hauling** (6934 Ogontz Avenue, Philadelphia, Philadelphia County, PA 19138)—(1) household goods in use, between points in Pennsylvania within an airline distance of 15 statute miles of No. 6817 North 17th Street, Philadelphia, and from points in said territory to points in Pennsylvania within an airline distance of 65 statute miles of No. 6817 North 17th Street, Philadelphia, and vice versa; and (2) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights authorized under the certificate issued at A-00106726 to Mt. Ephraim Storage Co., Inc., a corporation of the State of New Jersey, subject to the same limitations and conditions. *Attorney:* Benjamin L. Winderman, 7601 Germantown Avenue, Philadelphia, PA 19119.

**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 23, 1996.

A-00113311	Norman Hallowell 140 East Chestnut Street, Bechtelsville, PA 19505
A-00113310	Hanover Intermodal Transport, Inc. P. O. Box 390, Hanover, PA 17331
A-00113321	Timothy E. Junod R. R. 1, Box 414, Mahaffey, PA 15757
A-00113322	Commercial Courier Express, Inc. P. O. Box 18527, Greensboro, NC 27419

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1519. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Sewage Service  
Without Hearing**

**A-230066. Rostraver Preferred Properties, Inc.** Application of Rostraver Preferred Properties, Inc., to begin to offer or furnish sewage disposal service to the public in

Todd Manor Development, Rostraver Township, Westmoreland County, Belle Vernon, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before September 23, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Mark E. Ramsier, Esquire, 566 Donner Avenue, Monessen, PA 15062.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1520. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Transfer by Sale  
Without Hearing**

**A-230066 F0002. Estate of Dean Mori and Rostraver Preferred Properties, Inc.** Application of the Estate of Dean Mori (deceased), and Rostraver Preferred Properties, Inc., for approval of the transfer by sale of all of the property and rights of the Estate of Dean Mori to Rostraver Preferred Properties, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before September 23, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Mark E. Ramsier, Esquire, Rostraver Preferred Properties, Inc., 566 Donner Avenue, Monessen, PA 15062.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1521. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Water Service  
Without Hearing**

**A-212285 F0033. Pennsylvania-American Water Company and Fairview Water Company, Inc.** Application of Pennsylvania-American Water Company and Fairview Water Company, Inc., for approval of the right of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in portions of the Borough of Mount Pocono, Monroe County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, PA, with a copy served on the applicant on or before September 23, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Velma A. Redmond, Corporate Counsel and Secretary, 800 West Hershey Park Drive, Hershey, PA 17033;

Alan Price Young, Esquire, Hanna, Young, Upright, and Catina, LLP, Fairview Water Company, Inc., 800 Main Street, Stroudsburg, PA 18360.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1522. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Water Service  
Without Hearing**

**A-210900 F2000. Pennsylvania-American Water Company and Fairview Water Company, Inc.** Application of Pennsylvania-American Water Company and Fairview Water Company, Inc., for approval of the permanent discontinuance by Fairview Water Company, Inc., of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, PA, with a copy served on the applicant on or before September 23, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Alan Price Young, Esquire, Hanna, Young, Upright and Catina, LLP, Fairview Water Company, Inc., 800 Main Street, Stroudsburg, PA 18360; Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1523. Filed for public inspection September 6, 1996, 9:00 a.m.]

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**Water Service  
Without Hearing**

**A-212285 F0032. Pennsylvania-American Water Company and Fairview Water Company, Inc.** Application of Pennsylvania-American Water Company and Fairview Water Company, Inc., for approval of the transfer, by sale, of the waterworks property and rights of the Fairview Water Company, Inc., to Pennsylvania-American Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, PA, with a copy served on the applicant on or before September 23, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033; Alan Price Young, Esquire, Hanna, Young, Upright and Catina, LLP, Fairview Water Company, Inc., 800 Main Street, Stroudsburg, PA 18360.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1524. Filed for public inspection September 6, 1996, 9:00 a.m.]

# STATE BOARD FOR CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

## Examination Announcement for 1997

### *Examination Dates:*

January 25, 1997—All applications must be received by the Board, complete and correct no later than December 16, 1996.

April 26, 1997—All applications must be received by the Board, complete and correct, no later than March 17, 1997.

July 19, 1997—All applications must be received by the Board, complete and correct, no later than June 10, 1997.

November 1, 1997—All applications must be received by the Board, complete and correct, no later than September 22, 1997.

The certification examination for January and July will be offered in the Harrisburg area only.

The certification examination for April and November will be offered in the area of the following cities:

Altoona, Harrisburg, Meadville, Philadelphia, Pittsburgh, Williamsport, Wilkes-Barre.

Application may be obtained by contacting the Department of Environmental Protection, Division of Certification, Licensing and Bonding, Rachel Carson State Office Building, 400 Market St., P. O. Box 8454, Harrisburg, PA 17105-8454, telephone number (717) 787-6045. The sewage enforcement officer (SEO) technical manual is available to examination applicants upon request.

All SEO exam candidates are required to complete mandatory precertification training consisting of a 2-day precertification training course (#101), and a 1-day soils interpretation training course (#103). SEO candidates who successfully complete mandatory training in addition to, precertification training, will receive credit if the training is completed within 2 years of certification. For information on training, contact Department of Environmental Protection, Environmental Training, P. O. Box 8467, Harrisburg, PA 17105-8467, or call (717) 787-0126.

The Sewage Enforcement Officer examination contains 125 multiple choice questions and is divided into four subject areas: Planning, 12 questions; Administration and Enforcement, 24 questions; Soils, 24 questions; Technical Criteria, 65 questions. The passing grade is 50% correct responses to questions in each of the four subject areas; additionally, an overall score of 88 correct responses is required.

Approximately 4 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

Persons with a disability who require accommodation to take the SEO examination should contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay

Services at 1 (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

ANITA L. GROSS,  
*Secretary*

[Pa.B. Doc. No. 96-1525. Filed for public inspection September 6, 1996, 9:00 a.m.]

# STATE BOARD FOR CERTIFICATION OF SEWAGE TREATMENT PLANT AND WATERWORKS OPERATORS

## Examination Announcement for 1997

### *Examination Dates:*

April 26, 1997—Applications must be received, complete and correct, no later than February 10, 1997.

November 1, 1997—Applications must be received, complete and correct, no later than August 18, 1997.

The certification examination for April and November will be offered at seven locations in the following cities:

Altoona	Philadelphia
Harrisburg	Williamsport
Meadville	Wilkes-Barre
Pittsburgh	

Applications must be received by the Department of Environmental Protection, Certification and Licensing, P. O. Box 8454, 400 Market Street, Rm. 101, Harrisburg, PA 17105-8454, telephone (717) 787-5236, by the established cutoff dates stated above (not postmarked). Information regarding the certification examination can be obtained by contacting this same address and telephone number.

Applicants requesting two examinations (water and sewage) must be examined in the Harrisburg area.

Copies of course completion certificates and transcripts must be submitted with the application in order to be counted toward total experience.

Approximately 3 weeks prior to an examination, qualified applicants will receive a "letter of notification" from the certification board. This letter must be presented at the examination center in order for the applicant to be admitted to the test.

All applicants will be notified of examination results within 75 days after the examination date.

Information on training courses can be obtained by contacting the Department of Environmental Protection, Environmental Training, P. O. Box 8467, Harrisburg, PA 17105-8467, telephone (717) 787-0126.

Persons with a disability who require accommodation to take the sewage treatment plant or waterworks operator exam should contact the board at (717) 787-5236 or

through PA AT&T Relay Services at 1-800-654-5984 (TDD) to discuss how the Board may accommodate their needs.

ROBERT J. SLATICK,  
*Secretary*

[Pa.B. Doc. No. 96-1526. Filed for public inspection September 6, 1996, 9:00 a.m.]

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## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

\*September 18, 1996 Ronald D. Stiff 1 p.m.  
(Service Credit)

September 18, 1996	Ray L. Martin (Compensation)	1 p.m.
September 25, 1996	Gerald T. Kerprich (Service Credit)	1 p.m.
September 25, 1996	Stephen S. Fehr (Service Credit)	2:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-1527. Filed for public inspection September 6, 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.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

#### 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

**8503340** Construction and building materials—1 each; box, precast concrete box culvert.

**Department:** Transportation  
**Location:** Various Locations—Cumberland County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1093116** Construction and building materials—1 unit; galvanized fencing materials—only. No installation is required.

**Department:** Corrections  
**Location:** State Correctional Institution Frackville, Schuylkill County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1232116** Construction and building materials—9 each frames, 12 gauge welded; 9 each metal hollow doors, 14 gauge; 27 each hinges, 18 each surface pulls and 9 each mounted door sweeps.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Montgomery County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1256116** Drinking water—30000 bottles spring water, 5 gallon plastic containers; 4000 case spring water 1/2 gallon plastic containers and rental of hot/cold and cold units.

**Department:** Corrections  
**Location:** State Correctional Institution Muncy, Lycoming County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1110156** Hospital equipment—1 lot; monitoring system for surgery rooms and related supplies.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1248236** Lumber—7113 each various sizes of white pine No. 2 and pressure treated lumber.

**Department:** Game Commission  
**Location:** Howard, Centre County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1261216** Lumber—construction grade. 1560 pieces various sizes hem-fir, pine No. 2, birch VC plywood, fir plywood and CDX plywood.

**Department:** Public Welfare  
**Location:** Polk, Venango County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1252176** Office supplies—file folders legal, full end, 15 pt. w/reinforced tabs. 20M red (w/two hotseal fastener installed); 15M blue (w/one hotseal fastener installed); 15M manilla and 7M yellow (w/one hotseal fastener installed).

**Department:** Public Utility Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1225126** Paper and printing—9842M; Unemployment Compensation Checks.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1237236** Radio and television equipment and supplies—2 each; remote wireless target controller—10 each; portable, wireless tarter systems.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313570** Shelving—1 lot; furnish and install—Job Complete Flow racks and conveyor system.

**Department:** Liquor Control Board  
**Location:** Taylor, Lackawanna County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8158910** Tanks and containers—1 each. Furnish and make operational—liquid magnesium chloride tank.

**Department:** Transportation  
**Location:** Berks County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8158920** Tanks and containers—3 each. Furnish and make operational—liquid magnesium chloride tank.

**Department:** Transportation  
**Location:** Various Locations in Lehigh County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1160386** Tractors—1 each; latest model industrial/general purpose wheel tractor.

**Department:** Conservation and Natural Resources  
**Location:** Spring Mills, Centre County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231660** Vehicles—1 each '97 model crew cab truck w/fifth wheel hookup in bed and mobile training unit.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1239206** Vehicles—1 each '97 model large size four door 4x4 Chevrolet Tahoe.  
**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231700** Vehicles—2 each '97 model van, 15 passenger.  
**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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## SERVICES

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### Advertising—01

**Inquiry No. 7353** Subscription service.  
**Department:** Public Welfare  
**Location:** Danville State Hospital, Danville, Montour County, PA 17821-0700  
**Duration:** 1/1/97—12/31/97  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

### Construction Maintenance—09

**103084** Clarion County, SR 66 (002); Clarion County, SR 66 (003).  
**Department:** Transportation  
**Location:** District 10-0  
**Duration:** FY 1996/1997  
**Contact:** Donald R. McNeal, (412) 357-2852

**103085** Clarion County, SR 68 (004).  
**Department:** Transportation  
**Location:** District 10-0  
**Duration:** FY 1996/1997  
**Contact:** Donald R. McNeal, (412) 357-2852

**080920** Lebanon—SR 322(005).  
**Department:** Transportation  
**Location:** District 8-0  
**Duration:** FY 1996/1997  
**Contact:** V. C. Shah, (717) 787-5914

### Court Reporting—10

**SP-322162** Provide stenographic reporting services, when required, for the Legal Bureau at the following locations: Philadelphia, Wilkes-Barre, Harrisburg, Pittsburgh, Altoona, Williamsport, Erie and Allentown.  
**Department:** Liquor Control Board  
**Location:** Philadelphia, Wilkes-Barre, Harrisburg, Pittsburgh, Altoona, Williamsport, Erie and Allentown  
**Duration:** 2 or 3 year contract beginning November 1, 1996  
**Contact:** Debra L. Brinsler, (717) 772-2043

**SP-322161** Provide stenographic reporting services, when required, for the Office of Administrative Law Judge at the following locations: Philadelphia, Wilkes-Barre, Harrisburg, Pittsburgh, Altoona, Williamsport, Erie and Allentown.  
**Department:** Liquor Control Board  
**Location:** Philadelphia, Wilkes-Barre, Harrisburg, Pittsburgh, Altoona, Williamsport, Erie and Allentown  
**Duration:** 2 or 3 year contract beginning November 1, 1996  
**Contact:** Debra L. Brinsler, Supervisor, (717) 772-2043

### Engineering Services and Consultation—14

**MI-678** Project title: Pucillo Multipurpose Sports Field. Scope of work: erosion and sediment control, engineering and layout, site preparation, furnish and install subdrainage system, gravel layer, and sand based wide roll sod. Nutrient incorporation and soil structuring. Lighting installation. Plans cost: \$100.00.

**Department:** State System of Higher Education  
**Location:** Pucillo Athletic Field, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** Completion date 05/01/97  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**PGC-2528** Bids are being accepted to conduct studies of the black tern in Crawford and/or Erie Counties.

**Department:** Game Commission  
**Location:** 2001 Elmerton Avenue, Bureau of Wildlife Management, Harrisburg, PA  
**Duration:** September 1, 1996—August 31, 1997  
**Contact:** Dan Brauning, (717) 547-6938

**1996-ES-01** The PA Fish and Boat Commission will issue an RFP to retain a hydrogeologist for consultation. Specific tasks will include mapping of recharge areas for PFBC hatchery wells and springs; identification of development activities in recharge areas that are/will impact hatchery groundwater or surfacewater sources; development of a plan for continuous monitoring of PFBC spring source discharge rates and well levels; review of groundwater withdrawal permit applications; review of DEP mining permit applications, permits and reports, etc., with respect to impacts of these activities on surface water quality and quantity; collect, analyze, and review existing technical data to develop opinions about the movement of contaminants through groundwater and into surface water; provide expert witness testimony as necessary.

**Department:** Fish and Boat Commission  
**Location:** Environmental Services, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

### Environmental Maintenance Services—15

**OSM 40(2132)101.1** Backfilling Strip Pits, Pine Creek Reservoir. Involves an estimated 46,800 c. y. of grading and 4.3 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Ashley Borough and Hanover Township, Luzerne County, PA  
**Duration:** 130 days after notice to proceed  
**Contact:** Construction Contract Unit, (717) 783-7994

**08-9601 and 08-9602** Project No. 08-9601—Erection of approximately 9,000 feet of woven wire fence 8 feet high located off DeWoody Road, Clinton Township, Venango County. Project includes the construction of a R/W along fence location and construction of 2 gates measuring 8' x 10', one lockable and one spring closure type. Project No. 08-9602—Erection of approximately 9,500 feet woven wire fence 8 feet high. Project located adjacent to Firetower Road, Polk Township, Jefferson County. Project includes the construction of a R/W along fence location and construction of 4 spring closure type gates (8' x 10').

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Project 08-9601 located in Clinton Township, Venango County; Project 08-9602 located in Polk Township, Jefferson County, PA  
**Duration:** September 30, 1997  
**Contact:** Bureau of Forestry, (814) 226-1901

**BF 377-101.1** Abandoned Mine Land Reclamation of the Eastern Energy site. Involves an estimated 114,000 c. y. of grading and 34 acres of seeding.

**Department:** Environmental Protection  
**Location:** Lawrence Township, Clearfield County, PA  
**Duration:** 270 days after notice to proceed  
**Contact:** Construction Contract Unit, (717) 783-7994

**OSM 59(6664)201.1** Abandoned Mine Reclamation, Coal Creek East. Involves an estimated 267,000 c. y. of grading and 54 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19.04 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Hamilton Township, Tioga County, PA  
**Duration:** 540 days after notice to proceed  
**Contact:** Construction Contract Unit, (717) 783-7994

**BF 371-101.1** Abandoned Mine Land Reclamation of the R. M. & L. Company site. Involves an estimated 131,600 c. y. of grading and 18 acres of seeding. Ninety-six percent (96%) of this project is financed by the Federal Government. Federal funds available for this program total \$13 million for Pennsylvania's 1996 AML Grant.

**Department:** Environmental Protection  
**Location:** Springhill Township, Fayette County, PA  
**Duration:** 270 days after notice to proceed  
**Contact:** Construction Contract Unit, (717) 783-7994

## Extermination Services—16

**030-0279** This contract includes the furnishing of all equipment and personnel needed to apply pesticides within Engineering District 3-0 according to Bid Specifications. Contract will be bid on a line item basis for all items that will be needed to perform this work. Contract award will be based on total contract price.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** 1 year with two, two year renewals; total five years  
**Contact:** District Roadside Unit, (717) 368-4224

## Financial and Insurance Consulting—17

**SPC No. 281409** Contract for one hundred (100) temporary employees to assist with initial processing and depositing of Pennsylvania Personal Income Tax returns with checks from April 7, 1997 through and including May 2, 1997. This contract may be extended up to four (4) additional terms of one (1) year each.

**Department:** Revenue  
**Location:** Bureau of Receipts and Control, Department 280400, Brookwood Street, Harrisburg, Dauphin County, PA 17128-0400  
**Duration:** April 7, 1997 through December 31, 1997  
**Contact:** Linda Andreoli, (717) 787-8313

## Food—19

**5318** Frozen foods—for a three (3) month period beginning October 1, 1996 through December 31, 1996. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1996—December 31, 1996  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2624

**5319** Meats—for a three (3) month period beginning October 1, 1996 through December 31, 1996. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1996—December 31, 1996  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2624

**5320** Portion controlled meats—for a three (3) month period beginning October 1, 1996 through December 31, 1996. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1996—December 31, 1996  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2624

**5321** Breakfast and baked items—for a three (3) month period beginning October 1, 1996 through December 31, 1996. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1996—December 31, 1996  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2624

**5322** Poultry—for a three (3) month period beginning October 1, 1996 through December 31, 1996. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041  
**Duration:** October 1, 1996—December 31, 1996  
**Contact:** Jackie Newson, Purchasing Agent, (610) 526-2624

**T-5** Meat—to be delivered weekly during contract period.

**Department:** Military Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** October 1, 1996 through December 31, 1996  
**Contact:** Ronda Millard, Purchasing Agent, (610) 948-2492

**T-6** Poultry—to be delivered weekly during contract period.

**Department:** Military Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** October 1, 1996 through December 31, 1996  
**Contact:** Ronda Millard, Purchasing Agent, (610) 948-2492

**T-7** Frozen foods—to be delivered weekly during contract period.

**Department:** Military Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** October 1, 1996 through December 31, 1996  
**Contact:** Ronda Millard, Purchasing Agent, (610) 948-2492

**FIQ-10** Frozen items: vegetables, juices, meat entrees, specialty sandwich breads, pastries, etc. To be delivered only at request of facility (weekly basis). Contact facility for quantities/specifications.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** October, November, December, 1996  
**Contact:** C. A. Sloan, Purchasing Agent, (814) 255-8228

**Fuel Related Services—20**

**Contract No. FDC-015-198** Removal of existing fuel system (1—1,000 gallon gasoline tank) at Lyman Run Ranger Station; removal of existing fuel system (2—1,000 gallon heating oil tanks) and installation of above-ground fuel system (1,000 gallon gasoline and 1,000 gallon diesel capacity) at Cross Fork Forest District Maintenance Headquarters.

**Department:** Conservation and Natural Resources  
**Location:** West Branch and Stewardson Townships, Potter County, PA  
**Duration:** April 30, 1997  
**Contact:** Construction Management Section, (717) 787-5055

**050** The contractor shall furnish and install a centralized, LP gas fueled heating system. The service will include the fabrication and installation of all duct work and ancillary components as specified in the system as designed. The contractor shall be responsible for all required insurances, etc. during the course of the construction. The contractor shall perform all work in a journeyman-like manner as well as any workpersons assigned to the project.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route No. 1011, Karthaus, PA 16845  
**Duration:** September 01, 1996 to June 30, 1997  
**Contact:** Carol Schaeffer, Purchasing Agent, (814) 765-0644, ext. 234

**Hazardous Material Services—21**

**260092** Lead sample analysis. Service to include paint chips, soil, dust samples testing, all tests must be below the HUD standard of 0.5%—testing lab must supply sample containers to our maintenance department. The testing lab must give a verbal report within 4 hours and a written report within 24 hours of receipt of sample taken in-house by Mayview State Hospital staff. The lab must be accredited by NLLAP approved program. Must be proficient in all 3 Matricis Elpat and accredited by ATHA and in the future be certified by NLLAP.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 01-01-1997—12-31-2001  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**260091** Lead paint materials. Contract to be bid for packaging, handling, pickup, hauling and proper disposal of lead paint related material (paint chips, dust, soil, etc.). All alleged lead paint substances must be properly handled, bagged and marked in accordance with all applicable DPW-DER and EPA codes, rules and regulations, including State and Allegheny County. Vendor must be licensed and certified and must use a certified, legal, authorized landfill. Disposal is part of the Mayview State Hospital's safety program regarding lead paint material. Vendor must pick-up waste material within 24 hours of notice and prepare/complete all necessary paperwork and documentation required by law.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 01-01-1997—12-31-2001  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**Heating, Ventilation, Air Conditioning—22**

**Project No. 9728** Electrical upgrade: repairs to existing circuits, adding circuits to meet code compliances.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1000 East Cumberland Street, Lebanon, Lebanon County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Janitorial Services—23**

**0120-012** Furnish all equipment, material, labor, chemicals and supervisions to perform janitorial services at the offices at our main office building.

**Department:** Transportation  
**Location:** 9031 Peach Street, Waterford, PA 16441  
**Duration:** 10-01-96—09-30-2001  
**Contact:** William Sachse, (814) 871-4411

**Lodging/Meeting Facilities—27**

**IFB 95-07-13** The Office of Drug and Alcohol Programs is planning its 1998 Fall staff development Training Institute. The Institute will begin with Sunday registration and conclude Friday afternoon. Group size is expected to be up to 550 daily. The facility to host this Institute must meet the following daily requirements: Sleeping Rooms: 250 air conditioned double/single rooms; 14 soundproof Meeting Rooms to accommodate 30 classroom style and 4 soundproof Meeting Rooms to accommodate 15 classrooms; 1 Hospitality Suite, to accommodate 100; 1 Large Room for evening and social activities to accommodate 300; Banquet Facilities, to accommodate 550; an Exhibit Area to accommodate 45 8' x 10' booths with electricity available for 25 booths; a Central Registration area with telephone, electricity and photocopying capability; a locked room for Storage of equipment; availability of Training Aids and Equipment; and Parking to accommodate 350 cars. Meeting rooms must be connected to sleeping rooms in structure. Dates: September 20—25, September 27—October 2, October 4—9, October 18—23, October 25—30, November 1—6, and November 15—20, 1998. Interested bidders should contact Karen Price at (717) 787-2606, for a bid sheet.

**Department:** Health  
**Location:** Southern half of the State to include the following counties: York, Butler, Bucks, Berks, Beaver, Carbon, Monroe, Lawrence, Cambria, Somerset, Bedford, Fulton, Huntingdon, Adams, Armstrong, Indiana, Allegheny, Greene, Franklin, Mifflin, Snyder, Lebanon, Lancaster, Chester, Philadelphia, Perry, Juniata, Westmoreland, Fayette, Blair, Lehigh, Washington, Dauphin, Delaware, Schuylkill, Northampton, Montgomery and Cumberland Counties.  
**Duration:** 6 days as listed above  
**Contact:** Nancy Sponeybarger, (717) 787-2606

## Medical Services—29

**0882-119** Medical Monitoring Program. The contractor shall provide to the Center a Medical Monitoring Program of the Center's employees who are assigned duties that involve asbestos abatement as required by the Environmental Protection Agency. The Monitoring Program to include: 1) health and occupational history; 2) physical exam; 3) radiologic services; 4) pulmonary function spirometry screen; 5) written interpretations; 6) comparison of exam results; 7) and record keeping. Additional information and terms and conditions may be obtained by contacting the Center. Award shall be made on the basis of the lowest aggregate bid.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** October 1, 1996—June 30, 1999  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**No. 24** Provide prescription pharmaceuticals on a daily basis to Loysville Youth Development Center, Loysville Secure Treatment Unit, Loysville, PA; North Central Secure Treatment Unit, Danville, PA; South East Secure Treatment Unit, West Chester, PA; and Youth Forestry Camp No. 3, James Creek, PA. Multiple contracts could be awarded due to the various locations.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, Loysville YDC and satellites listed above.  
**Duration:** 11/1/96 to 6/30/97  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**Inquiry No. 8835** Psychiatric consultation services.

**Department:** Public Welfare  
**Location:** Laurelton Center, Route 45, Laurelton, Union County, PA 17835-0300  
**Duration:** 7-1-96 to 6-30-2001  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**96-40** Provide as needed on-site dental care and treatment to inmates at the State Correctional Institution at Waymart. Approximately 16 to 20 hours per week, Monday through Friday, between 8:30 a.m. and 4:30 p.m.; on a mutually agreed upon schedule. Institution's current preference is Monday, Tuesday, and Thursday. Dentist will work independently without an assistant. Dentist must be licensed to practice in Pennsylvania.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** October 1, 1996 to June 30, 1998  
**Contact:** John Ondash, (717) 488-2706

**96 CCF/CPC 4** The Contractor shall provide Group Home services to the Department of Corrections and to the Board of Probation and Parole. Group Home Community Contract Facility and Community Parole Center Services are to reinstate offenders back into the Community or to provide services to parolees who are encountering difficulties while in the Community. These facilities should include the following: room and board, counseling, and other treatment services. The Department is seeking beds for residents/parolees in Region I; Philadelphia, Bucks, Chester, Montgomery and Delaware Counties. The Department is seeking to renew and/or replace existing Contracts.

**Department:** Corrections  
**Location:** P. O. Box 598, 2520 Lisburn Road, Camp Hill, PA 17001-0598  
**Duration:** Indeterminate 1996-97  
**Contact:** Tom Rogosky, (717) 731-7147

## Property Maintenance—33

**Project No. DGS 371-1, 2-1, 3-1, 4-1 and 579-3** Project title: purchase and installation of two medium security prefab units with a capacity of 256 cells at five locations. Brief description: work includes site preparation within secure perimeter fence construction of inmate modular housing unit at existing SCI. Precasts concrete cells, concrete block exterior/interior walls. Concrete tile floors, structural steel/joist framing, metal deck, single ply roof. New HVAC, plumbing and electrical connected to existing underground supplies/returns. Security system connected to existing control building and security fencing and bituminous paving. General construction: for plans deposit contact (717) 787-3923. Checks payable to: Kostecky Group. Refund upon return of plans and specs 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 specs. 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 Kostecky Group, 224 N. Front St., Wormleysburg, PA 17043. Telephone (717) 763-5661. Bid date: Wed., October 16, 1996 at 2 p.m. A pre-bid has been scheduled for September 25, 1996 at 10 a.m. in Bid Rm., 18th and Herr Sts., Harrisburg, PA. Contact Bob Glenn, telephone (717) 787-6200. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** State Correctional Institutions, Albion, Erie, Greene, Schuylkill, Somerset and Clearfield Co., PA  
**Duration:** 365 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**FM-169** Furnish all labor, materials and equipment for removal of snow, salting and cindering from the sidewalks, driveway and parking area at the Clearfield Station, R. D. 1, Box 314, Woodland, PA 16881. Dates: 11/1/96 to 6/30/97. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Clearfield Station, R. D. 1, Box 314, Woodland, PA 16881  
**Duration:** 11/1/96 to 6/30/97  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-170** Furnish all labor, materials and equipment for removal of snow, salting and cindering from the sidewalks, driveway and parking area at the Northwest Training Center, 195 Valley View Drive, Meadville, PA 16335. Dates: 11/1/96 to 6/30/97; 11/1/97 to 6/30/98. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Northwest Training Center, 195 Valley View Drive, Meadville, Crawford County, PA 16335  
**Duration:** 11/1/96 to 6/30/97 and 11/1/97 to 6/30/98  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-171** Furnish all labor, materials and equipment for removal of snow, salting and cindering from the sidewalks, driveway and parking area at the Shipperville Station, R. D. 2, Box 233 A, Shipperville, PA 16254-8913. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Shipperville Station, R. D. 2, Box 233 A, Shipperville, PA 16254-8913  
**Duration:** 11/1/96 to 6/30/98  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**MR 0800-59** Removal and replacement of doors at the Franklin County PennDOT Rest Area/Welcome Center Site G. Specifications for this work available on request.

**Department:** Transportation  
**Location:** PennDOT Rest Area/Welcome Center Site G situated along I-81 Northbound, one mile north of PA-MD State Line  
**Duration:** December 2, 1996 to March 31, 1997  
**Contact:** Ed Myers or Adrian Mahon, (717) 787-7600

**FM-173** Furnish all labor, materials and equipment for removal of snow, salting and cindering from sidewalks, driveway and parking area at the Meadville Station, 79 Murray Road, Meadville, PA. Dates: 11/1/96 to 6/30/97. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Meadville Station, 79 Murray Road, Meadville, PA 16335  
**Duration:** 11/1/96 to 6/30/97  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-172** Furnish all labor, materials and equipment for removal of snow, salting and cindering from the driveway and parking area at the Lima Crime Lab, 300 North Middletown, Box 24, Lima, PA 19037. Dates: 11/1/96 to 6/30/98. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Lima Crime Lab, 300 North Middletown Road, Box 24, Lima, PA 19037  
**Duration:** 11/1/96 to 6/30/98  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**Project No. 9730** Shingle replacement: includes aluminum soffit, fascia, drip edge, ridge vents, gutters/downspouts. 38 Sq.

**Department:** Military and Veterans Affairs

**Location:** Quarters 32 and Building 7-3, Ft. Indiantown Gap, Lebanon County, PA

**Duration:** 1 July 96—30 July 97

**Contact:** Emma Schroff, (717) 861-8518

**061001** This work is located at the Trevoise Stockpile, 3601 Neshaminy Boulevard, Trevoise, PA 19020. It is for the removal of two existing, overhead garage doors, motors, hardware, and for the installation of two new overhead garage doors, motors, and hardware. The existing doors are approximately 16'2" (width) and 13'10" (height), and were installed in 1964. The existing rear door (which is presently damaged), motor, and hardware will be disposed of by the vendor. The existing front door, motor and hardware will be re-installed by the vendor at a mechanics bay at this site. The new doors, motors and hardware will be required to meet the Department's specifications. The garage will remain accessible to the Department's vehicles during this project. A site visit is recommended prior to bidding.

**Department:** Transportation

**Location:** Maintenance District 6-1, 229 North Broad Street, Doylestown, PA 18901

**Duration:** 10/15/96—12/01/96

**Contact:** Scott Bittner, (215) 345-6060, ext. 107

**Contract No. FDC-124-189** Provide and install a reinforced PVC membrane lining system in the main and wading pools, and concrete repairs. All work is located at Sizerville State Park.

**Department:** Conservation and Natural Resources

**Location:** Portage Township, Cameron County, PA

**Duration:** All work to be completed by May 1, 1997

**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-101-188** Provide and install a reinforced PVC swimming pool liner in the main and wading pools; repair and waterproof the existing stainless steel gutter system; and concrete repairs. All work is at Bendigo State Park.

**Department:** Conservation and Natural Resources

**Location:** Jones Township, Elk County, PA

**Duration:** All work to be completed by May 1, 1997

**Contact:** Construction Management Section, (717) 787-5055

**Project No. DGS A 980-26ADA** Project title: Alterations to Provide ADA Access to the Auditorium. Brief description: remove existing stairs, wheelchair lift, walls, doors, lighting, ceiling and wiring. Provide new ceilings, wall covering, flooring, lighting, sprinkler heads, doors, stairs and lift. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, September 25, 1996 at 2:00 p.m.

**Department:** General Services

**Location:** The State Museum of Pennsylvania, Harrisburg, Dauphin County, PA

**Duration:** 120 calendar days from date of initial job conference

**Contact:** Contract and Bidding Unit, (717) 787-6556

## Sanitation—36

**061002** This work is for receiving loose, bulk trash hauled by PA Department of Transportation vehicles. This work includes the proper disposal of trash, which will be roadway debris, both bagged and loose, but will not include tires or hazardous substances. The vendor must have an approved, receiving site in Bucks County.

**Department:** Transportation

**Location:** Maintenance District 6-1, 229 North Broad Street, Doylestown, PA 18901

**Duration:** 01/01/97 to 12/31/97

**Contact:** Scott Bittner, (215) 345-6060

**SPC 315009** Removal of solid wastes from park; disposal in accordance with all rules and regulations. Sealed bids will be opened at Parker Dam State Park, R. D. 1, Box 165, Penfield, PA 15849-9799 at 2:00 p.m. prevailing time, on October 14, 1996.

**Department:** Conservation and Natural Resources

**Location:** State Parks, Parker Dam, S.B. Elliott State Parks, R. D. 1, Box 165, Penfield, Clearfield County, PA 15849-9799

**Duration:** January 1, 1997—December 31, 1999

**Contact:** Park Manager, (814) 765-0630

[Pa.B. Doc. No. 96-1528. Filed for public inspection September 6, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1021206-01	08/26/96	Grimm Trophy and Gifts	11,506.25
1043386-01	08/26/96	Wildfire Pacific, Inc.	66,937.50
1047236-01	08/26/96	Digivoice, Inc.	69,750.00
1049156-01	08/26/96	Conmed Corporation	23,550.00
1057116-01	08/26/96	Firing Line, Inc.	56,078.10
1125116-01	08/26/96	Dairypak, Inc.	28,872.00
1134116-01	08/26/96	Quanta Secursystems	12,961.00
1156046-01	08/26/96	Standard Register Co.	50,638.06
1305-01	09/01/96	The Hunting Shack, Inc.	18,550.60
1305-01	09/01/96	Firing Line, Inc.	601.90
1305-01	09/01/96	PA Police Supply	354,337.89
1305-01	09/01/96	Jerry's Sports Center	165,099.32
2550155-01	08/26/96	Biosound	49,600.00
5610-37	09/01/96	New Enterprise Stone/Lime Co., Inc.	76,648.75
5610-37	09/01/96	Eastern Industries, Inc.-West	9,739.50
5610-37	09/01/96	Latrobe Construction Co.	15,044.00
5610-37	09/01/96	Glen O. Hawbaker, Inc.	62,561.00
5610-37	09/01/96	Hempt Brothers, Inc.	24,950.00
5610-37	09/01/96	Russell Standard Corp./Mars Branch	869.00
5610-37	09/01/96	Better Materials Corp.	61,118.45
5610-37	09/01/96	Broome Bituminous Products, Inc.	1.00
5610-37	09/01/96	Pennsy Supply, Inc.	1.00
5610-37	09/01/96	Russell Standard Corp./Erie Branch	45,853.00

Requisition or Contract #	Awarded On	To	In the Amount Of
5610-37	09/01/96	Milestone Materials, Inc./Stroudsburg	23,378.75
5610-37	09/01/96	Great Valley Materials, Inc.	47,081.75
5610-37	09/01/96	Quaker Sales Corp.	18,075.00
5610-37	09/01/96	York Building Products Co., Inc.	17,621.50
5610-37	09/01/96	Valley Quarries, Inc.	13,891.30
5610-37	09/01/96	March Asphalt, Inc.	23,200.00
5610-37	09/01/96	Wyoming Sand and Stone Co.	26,184.00
5610-37	09/01/96	Milestone Materials, Inc./Lake Ariel	16,710.00
5610-37	09/01/96	Heilman Pavement Specialties	198,439.18
5610-37	09/01/96	IA Construction Corporation	123,290.70
5610-37	09/01/96	Commercial Asphalt Products	103,381.25
5610-37	09/01/96	Windsor Service, Inc.	65,497.75
5610-37	09/01/96	American Asphalt Paving Co.	49,269.56
5610-37	09/01/96	Eastern Industries, Inc.	16,890.00
8161120-01	08/26/96	Terre Hill Concrete Products	15,997.00
8161130-01	08/26/96	Terre Hill Concrete Products	48,145.00
8231190-01-1	08/26/96	Approved Equipment	31,997.10
8503140-01	08/26/96	Flink Company Spreaders	45,325.00
8503170-01	08/26/96	Floring Equipment Co., Inc.	228,973.80
8503190-01	08/26/96	Flink Company Spreaders	58,275.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 96-1529. Filed for public inspection September 6, 1996, 9:00 a.m.]