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# PENNSYLVANIA BULLETIN

Volume 26  
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Number 39  
Pages 4619—4750

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Nutrient Management Certification  
Program

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Pennsylvania Public Utility Commission  
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State Horse Racing Commission

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

**No. 262, September 1996**

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## **PENNSYLVANIA**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

#### Printing Format

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

#### Fiscal Notes

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

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

# List of Pa. Code Chapters Affected

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

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 2097, 2098, 2167, 2183, 2320, 2410, 2705, 2782,  
 2903, 2904, 3316, 3318, 3432, 3633, 4081, 4084,  
 4333, 4519, 4523, 4637, 4638

# PENNSYLVANIA BULLETIN

Volume 26  
Saturday, September 28, 1996 • Harrisburg, Pa.

Number 39

## **Part II**

This part contains the  
Department of Agriculture  
Nutrient Management Certification Program

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# PENNSYLVANIA

# BULLETIN

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Volume 26  
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Number 39

## **Part III**

This part contains the  
Environmental Quality Board  
Administration of the Storage Tank  
and Spill Prevention Program

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# THE GOVERNOR

## PROCLAMATION

### Proclamation of Disaster Emergency

*Whereas*, ongoing investigations made at my direction have disclosed that widespread and unusually heavy rains in central and western Pennsylvania on or about September 6, 1996, resulted in extensive damage to roads, streets, and bridges, private homes, businesses, and other adverse impacts upon the general population; and

*Whereas*, the emergency situation has been of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the affected areas of Juniata and Perry counties, and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$500,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. The time-consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted.

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of the Department of Transportation. However, this assistance does not apply to privately owned highways, roads, streets, or other types of property.

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner he deems necessary, to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the ability of the Department to respond immediately and effectively in repairing, maintaining, reconstructing or replacing these damaged highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, and areas adjacent thereto, or in undertaking necessary new construction.

*Further*, I have directed that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster emergency response and recovery plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency, and



*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency.

*Still Further*, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers, by the rental of equipment and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

GIVEN under my Hand and the Seal of the Commonwealth, at the City of Harrisburg, this eighth day of September in the year of our Lord, one thousand nine-hundred and ninety-six, and of the Commonwealth the two hundred and twenty-first.

*Governor*

[Pa.B. Doc. No. 96-1620. Filed for public inspection September 27, 1996, 9:00 a.m.]

### **Amendment to Proclamation**

*Whereas*, on September 8, 1996, I declared a State of Disaster Emergency in Juniata and Perry Counties due to widespread and unusually heavy rains from Tropical Storm Fran which struck the counties and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those counties; and

*Whereas*, additional information provided by local officials finds that an additional Eastern Pennsylvania county was also adversely impacted by the same heavy rains, which caused localized flash flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses, and continued adverse life safety impacts for the general population of Montgomery County; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of September 8, 1996, as follows:

1. The County of Montgomery is now declared to be in a state of disaster emergency and is added to the previously designated disaster emergency area.
2. This Proclamation Amendment shall take effect immediately.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this tenth day of September in the year of our Lord one thousand nine hundred and ninety-six and of the Commonwealth the two hundred and twenty-first.

*Governor*

[Pa.B. Doc. No. 96-1621. Filed for public inspection September 27, 1996, 9:00 a.m.]

### Amendment to Proclamation

*Whereas*, on September 8, 1996, I declared a State of Disaster Emergency in Juniata and Perry Counties due to widespread and unusually heavy rains from Tropical Storm Fran which struck those Counties on September 6, 1996, and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those Counties; and

*Whereas*, on September 10, 1996, I amended my Proclamation by adding Montgomery County to the designated disaster emergency area, due to severe flash flooding that occurred in that County from the heavy rains of September 8, 1996; and

*Whereas*, additional information provided by local officials reveals that Huntingdon and Mifflin Counties were also adversely impacted by the same heavy rains, which caused localized flash flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses, and continued adverse life safety impacts for the general population of Huntingdon and Mifflin Counties; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of September 8, 1996, as follows:

1. The Counties of Huntingdon and Mifflin are now declared to be in a state of disaster emergency and are added to the previously designated disaster emergency area.

2. This Proclamation Amendment shall take effect immediately.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this eleventh day of September in the year of our Lord one thousand nine hundred and ninety-six and of the Commonwealth the two hundred and twenty-first.

*Governor*

[Pa.B. Doc. No. 96-1622. Filed for public inspection September 27, 1996, 9:00 a.m.]

### Amendment to Proclamation

*Whereas*, on September 8, 1996, I declared a State of Disaster Emergency in Juniata and Perry Counties due to widespread and unusually heavy rains from Tropical Storm Fran which struck those Counties on September 6, 1996, and caused extensive damage to roads, streets, bridges, private homes, businesses and posed other adverse life safety impacts upon the general population of those Counties; and

*Whereas*, on September 10 and 11, 1996, I amended my Proclamation by adding Huntingdon, Mifflin and Montgomery Counties to the designated disaster emergency area, due to severe flash flooding that occurred in those counties from the heavy rains of September 6 and 8, 1996; and

*Whereas*, additional information provided by local officials reveals that Cumberland County was also adversely impacted by the same heavy rains, which caused localized flash flooding to occur in certain creeks and streams and caused extensive road closures, damage to roads, streets, private homes, businesses, and continued adverse life safety impacts for the general population of Cumberland County; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby amend my Proclamation of September 8, 1996, as follows:

1. The County of Cumberland is now declared to be in a state of disaster emergency and is added to the previously designated disaster emergency area.

2. This Proclamation Amendment shall take effect immediately.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this eighteenth day of September in the year of our Lord one thousand nine hundred and ninety-six and of the Commonwealth the two hundred and twenty-first.

*Governor*

[Pa.B. Doc. No. 96-1623. Filed for public inspection September 27, 1996, 9:00 a.m.]

---

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Promulgation of Financial Regulation under 42 Pa.C.S. § 3502(a); No. 177; Doc. No. 1

#### Order

*Per Curiam:*

And now, this 9th day of September, 1996, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulation.

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

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

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

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

#### § 29.401. Scope.

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

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

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

(a) *Civil cases.*—In calendar year [1996] 1997, the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less. . . . [ \$33.00 ] \$33.50
- (2) Actions involving more than \$500 but not more than \$2,000 . . . . . [ \$43.50 ] \$45.00

(3) Actions involving more than \$2,000 but not more than \$4,000 . . . . . [ \$54.50 ] \$56.00

(4) Actions involving more than \$4,000 but not more than \$8,000 . . . . . [ \$81.50 ] \$83.50

(5) Landlord-tenant actions involving less than \$2,000 . . . . . [ \$49.00 ] \$50.50

(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 . . . . . [ \$60.00 ] \$61.50

(7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000 . . . . . [ \$81.50 ] \$83.50

(8) Order of execution. . . . . [ \$24.50 ] \$25.50

(9) Objection to levy . . . . . [ \$11.00 ] \$11.50

(10) Reinstatement of complaint. . . . . [ \$5.50 ] \$6.00

(11) Entering Transcript on Appeal or Certiorari. . \$3.00

(b) *Criminal cases.*—In calendar year [1996] 1997 the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases. . . . . [ \$31.00 ] \$32.00

(2) Summary conviction, motor vehicle cases, other than paragraph (3). . . . . [ \$24.50 ] \$25.50

(3) Summary conviction, motor vehicle cases, hearing demanded . . . . . [ \$29.50 ] \$30.50

(4) Misdemeanor . . . . . [ \$35.50 ] \$36.50

(5) Felony. . . . . [ \$41.00 ] \$42.00

(c) *Unclassified costs or charges.*—In calendar year [1996] 1997, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary . . . . . [ \$5.50 ] \$6.00

(2) Marrying each couple, making record thereof, and certificate to the parties. . . . . [ \$27.50 ] \$28.00

(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) . . . . . [ \$11.00 ] \$11.50

(4) Issuing a search warrant (except as provided in subsection (d)) . . . . . [ \$11.00 ] \$11.50

(5) Any other issuance not otherwise provided in this subsection. . . . . [ \$11.00 ] \$11.50

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

\* \* \* \* \*

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases. . . . . [ \$10.88 ] \$11.24

(ii) Summary conviction, motor vehicle cases other than subparagraph (iii). . . . . [ \$10.88 ] \$11.24

- (iii) Summary conviction, motor vehicle cases, hearing demand ..... [ **\$10.88** ] **\$11.24**
- (iv) Misdemeanor ..... [ **\$14.20** ] **\$14.60**
- (v) Felony ..... [ **\$21.86** ] **\$22.40**
- (vi) Assumpsit or trespass involving:
  - (A) \$500 or less ..... [ **\$13.75** ] **\$13.96**
  - (B) More than \$500 but not more than \$2,000 ..... [ **\$21.76** ] **\$22.50**
  - (C) More than \$2,000 but not more than \$4,000 ..... [ **\$32.70** ] **\$33.60**
  - (D) More than \$4,000 but not more than \$8,000 ..... [ **\$54.33** ] **\$55.66**
- (vii) Landlord-tenant proceeding involving:
  - (A) \$2,000 or less ..... [ **\$21.78** ] **\$22.44**
  - (B) More than \$2,000 but not more than \$4,000 ..... [ **\$27.27** ] **\$27.96**
  - (C) More than \$4,000 but not more than \$8,000 ..... [ **\$38.04** ] **\$38.97**
- (viii) Objection to levy ..... [ **\$5.50** ] **\$5.75**
- (ix) Order of execution ..... [ **\$16.34** ] **\$17.00**
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) ..... [ **\$7.70** ] **\$8.05**

*(Editor's Note:* Ellipses refer to the text of 42 Pa.C.S. § 3571).

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

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

\* \* \* \* \*

- (8) Uniform Commercial Code:
  - (i) Financing statement—per debtor name:
    - (A) Fee charged by Department of State ..... \$12.00
    - (B) Fee charged by County ..... [ **\$52.50** ] **\$53.50**
    - Amount payable to Commonwealth .. [ **\$39.35** ] **\$40.10**
    - Amount payable to County ..... [ **\$13.15** ] **\$13.40**
  - (ii) Each ancillary transaction:
    - (A) Fee charged by Department of State ..... \$12.00
    - (B) Fee charged by County ..... [ **\$52.50** ] **\$53.50**
    - Amount payable to Commonwealth .. [ **\$39.35** ] **\$40.10**
    - Amount payable to County ..... [ **\$13.15** ] **\$13.40**
  - (iii) Search—per debtor name:
    - (A) Fee charged by Department of State ..... \$12.00
    - (B) Fee charged by County ..... [ **\$52.50** ] **\$53.50**
    - Amount payable to Commonwealth .. [ **\$39.35** ] **\$40.10**
    - Amount payable to County ..... [ **\$13.15** ] **\$13.40**

- (iv) Additional fee for each financing statement found and for each statement of assignment reported therein:
  - (A) Fee charged by Department of State .....\$1.00
  - (B) Fee charged by County .....\$4.50
  - Amount payable to Commonwealth .....\$3.35
  - Amount payable to County .....\$1.15
- (v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:
  - (A) Fee charged by Department of State ..... \$28.00
  - (B) Fee charged by County ..... [ **\$122.00** ] **\$125.00**
  - Amount payable to Commonwealth .. [ **\$91.50** ] **\$93.75**
  - Amount payable to County ..... [ **\$30.50** ] **\$31.25**

\* \* \* \* \*

*(Editor's Note:* Ellipses refer to text of 15 Pa.C.S. § 153.)

[Pa.B. Doc. No. 96-1624. Filed for public inspection September 27, 1996, 9:00 a.m.]

**PART IV. ADMISSION TO PRACTICE OF LAW  
[204 PA. CODE CH. 71]**

**Amendment of the Pennsylvania Bar Admission Rules: Hearings Before the Board; No. 163; Doc. No. 1**

**Order**

*Per Curiam:*

And Now, this 9th day of September, 1996, Rule 213 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Rule 213 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART IV. ADMISSION TO PRACTICE OF LAW  
CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES**

**Subchapter B. ADMISSION TO THE BAR GENERALLY**

**PROCEEDINGS BEFORE BOARD**

**Rule 213. Hearings before the Board.**

(a) *General Rule.* If, upon an initial review of an application filed under these rules and of any other related information available to the Board, the Board, through the Executive Director, finds that the applicant does not appear to possess the fitness and general

qualifications (other than scholastic) requisite for a member of the bar of the Commonwealth, the Executive Director shall forthwith give the applicant notice of such finding in the manner prescribed by Board rule, and of the right of the applicant to request in writing, within thirty (30) days of the denial, a hearing before the Board.

(b) *Hearing.* Within 30 days after receipt of the request of an applicant for a hearing under this Rule the Board shall hold a hearing at which the applicant shall be present. The applicant may be represented by counsel at the hearing. **[The applicant and Counsel of the Board may subpoena and examine witnesses and offer ] The Board shall not be bound by the formal rules of evidence and such relevant evidence may be introduced at the hearing as may be necessary for the Board to make a final determination upon the application. The burden of proof shall be on the applicant to establish that he or she possesses the character, fitness and general qualifications that are compatible with the standards expected to be observed by a member of the Bar of this Commonwealth. The applicant may call and examine witnesses, cross-examine adverse witnesses and present such evidence as is relevant to the issue before the Board. At any such hearing [ Counsel of the Board shall present in full the facts upon which the initial adverse finding was based and shall make available to ] the applicant and his or her counsel shall be permitted [ for inspection ] to inspect such portion of the record of the applicant bearing upon the issues before the Board as does not constitute confidential information. [ or work product of the Executive Director or Counsel of the Board. If requested by the applicant, ] A stenographic or other verbatim record shall be made of any such hearing, but hearings before the Board shall not be open to the public. The Board shall have the power to issue subpoenas for the attendance of witnesses and for the production of documentary evidence at the hearing.**

[Pa.B. Doc. No. 96-1625. Filed for public inspection September 27, 1996, 9:00 a.m.]

## PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

Promulgation of Consumer Price Index under 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 176; Doc. No. 1

### Order

*Per Curiam:*

And now, this 9th day of September, 1996, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage of increase in the Consumer Price Index for the immediately preceding calendar year as required by

Act 167 of 1992, 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

### Annex A

## TITLE 204. JUDICIAL SYSTEM PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 211. CONSUMER PRICE INDEX

##### § 211.1. Consumer Price Index.

(a) Pursuant to Article 5, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage of increase in the Consumer Price Index for the immediate preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 176 Judicial Administrative Docket No. 1.

(b) The Court Administrator of Pennsylvania reports that the percentage of increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 1995, was 2.5 percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, Thursday, February 1, 1996.)

[Pa.B. Doc. No. 96-1626. Filed for public inspection September 27, 1996, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 2950]

Amendment of Rules Governing Confession of Judgment for Money; No. 256; Doc. No. 5

### Amendatory Order

*Per Curiam:*

And Now, this 13th day of September, 1996, Order No. 256, Civil Procedural Rules Docket No. 5, dated April 1, 1996 is amended to read as follows.

This Order shall be effective immediately and shall be processed in accordance with Rule of Judicial Administration 103(b).

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

I. The second sentence of the second paragraph of the note to Rule 2956.1(c)(2) is revised to read as follows:

**Rule 2956.1. Execution upon a judgment entered by confession.**

\* \* \* \* \*

(c) \*\*\*

(2) \*\*\*

**Official Note: \*\*\***

Notice prior to execution under Rule 2958.1 may be given in all cases. However, the notice served with the notice of sale of real property under Rule 2958.2 is limited to execution upon real property or real property and personal property subject to Section 9501(d) of the [Judicial Code] Uniform Commercial Code. The notice served with the writ of execution under Rule 2958.3 is limited to an execution upon personal property or personal and real property.

\* \* \* \* \*

II. Clauses (c) and (d) of the certification set forth in Rule 2963 are revised to read as follows:

**Rule 2963. Praecipe for Writ of Execution. Certification. Form.**

\* \* \* \* \*

Certification

I certify that

\* \* \* \* \*

(c) Notice will be served [with the writ of execution] at least thirty days prior to the date of the sheriff's sale of real property pursuant to Rule 2958.2.

(d) Notice will be served [at least thirty days prior to the date of the sheriff's sale of real property] with the writ of execution pursuant to Rule 2958.3.

\* \* \* \* \*

[Pa.B. Doc. No. 96-1627. Filed for public inspection September 27, 1996, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## BEAVER COUNTY

### Amended Rule of Civil Procedure: Argument List—Procedure and Briefs; No. 951R000066

#### Order

Now, this 20th day of May, 1996, the court hereby adopts the following Beaver County Rule of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of the Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedure Rules Committee and one (1) copy to the *Beaver County Law Journal* for publication in the next issue of the *Beaver County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

ROBERT C. REED,  
President Judge

### Rule L211C. Argument List—Procedure and Briefs.

(1) Argument lists shall include all matters to be argued before the court. Such matters shall be placed on the argument list by praecipe filed with the Prothonotary and the Court Administrator at least one (1) month before the requested argument court date, with notice in writing to the opposing party or counsel and to all other parties of record or their counsel. In addition, the Court Administrator will place on the argument list without praecipe any matters continued from previous argument lists.

(2) Where a moving party files a praecipe for argument, that party shall, at the same time, file a brief with the Court Administrator and serve it. The case will not be listed for argument until the moving party's brief has been filed.

When the moving party's brief has been filed and the case listed, any responding party shall file a reply brief at least ten (10) days before the argument date. The court, in its discretion, may prohibit a responding party which has not filed a timely brief from presenting oral argument, or it may impose other sanctions.

Any issue which has not been raised and discussed in a timely-filed brief may be deemed absolutely to have been waived.

(3) Where a responding party files a praecipe for argument, or if the court places a matter on the argument list, the moving party shall file a brief with the Court Administrator and serve it at least twenty (20) days before the argument date. If the moving party fails to file a timely brief, the court may, on its own motion, deny the relief which the moving party has sought or impose other sanctions.

Where the responding party has listed the case and the moving party has filed and served a timely brief, the responding party shall file a reply brief with the Court Administrator, and serve it, at least ten (10) days before the argument date. If the responding party fails to file a timely brief, the court in its discretion may prohibit that party from presenting oral argument on the date of argument or it may impose other sanctions.

(4) The Court Administrator shall, immediately after the last day for filing a praecipe for the next argument list, prepare a list of all cases to be included on the next argument list. The Court Administrator shall schedule all cases for argument and cause the list and schedule to be published in the *Beaver County Legal Journal*. Copies of the list and schedule shall be made available to counsel and any unrepresented parties.

(5) Two (2) copies of any brief shall be filed with the Court Administrator, unless the case is before the court en banc, in which four (4) copies shall be filed.

(6) Each party will be allowed fifteen (15) minutes to present oral argument. The time allowed for-argument shall be subject to extension or limitation in the discretion of the court.

(7) No argument will be continued except by order of court for cause shown, after notice and motion pursuant to Local Rule L206.

[Pa.B. Doc. No. 96-1628. Filed for public inspection September 27, 1996, 9:00 a.m.]



## MONTGOMERY COUNTY

**Amendment to Rule of Civil Procedure: Seminar for Separated and Divorced Parents; No. 96-00001-3**

**Order**

*And Now*, this 10th day of September, 1996, the Court approves and adopts the following amendment to Montgomery County Local Rule of Civil Procedure 1915.3\*—*Seminar for Separated and Divorced Parents*. This Amendment shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Domestic Relations Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

WILLIAM T. NICHOLAS,  
*President Judge*

**Rule 1915.3\*. Seminar for Separated and Divorced Parents.**

(a) In an action for custody, partial custody or visitation, if a case is not resolved by the custody conciliator and must therefore proceed to a hearing before a Judge, both parents shall attend an approved education seminar on the general responsibilities of separated and divorced parents.

(b) Seminars shall be conducted by seminar providers as approved by the President Judge. Seminars shall be conducted in the Montgomery County Courthouse or at such other location as approved by the President Judge. Each parent will be responsible to register for a seminar and for payment of the seminar costs; however, the costs may be waived by the Court for any party qualifying to proceed in forma pauperis.

(c) Seminar attendance may also be required upon motion of either party, by agreement of the parties, upon recommendation by the Custody Conciliator or upon the Court's own motion, in connection with any petition to modify custody, any petition for contempt of a custody order or any other matter relating to child custody or visitation.

(d) A Certificate of Attendance shall be filed by the seminar provider with the Prothonotary's Office reflecting that attendance was fulfilled by the parent.

(e) For good cause shown, the Court may waive the requirement of seminar attendance in a particular case.

(f) Upon a party's failure to attend a required seminar, the Court may impose sanctions, including but not limited to a finding of contempt. A hearing on a custody petition shall not be delayed by a party's refusal or delay in completing the seminar.

[Pa.B. Doc. No. 96-1629. Filed for public inspection September 27, 1996, 9:00 a.m.]

## SCHUYLKILL COUNTY

**Tax Assessment Appeals**

*And Now*, this 11th day of September, 1996 at 1:30 p.m., Schuylkill County Civil Rule of Procedure No. 14A is adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) effective immediately, as per Schuylkill County Court of Common Pleas Order, RE: Tax Assessment Appeal, issued September 11th, 1996.

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

- 1) File ten (10) 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 Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

**Order of Court**

*And Now*, this 11th day of September, 1996, at 1:30 p.m., it is hereby *Ordered* that effective immediately, Schuylkill County Civil Rule of Procedure No. 14A is hereby adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District).

JOSEPH F. MCCLOSKEY,  
*President Judge*

**Rule 14A. Tax Assessment Appeals.**

**I. Real Estate Tax Assessment Appeal**

(a) An appeal from a decision of the Schuylkill County Board of Assessment Appeals ("Board") shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed with the Prothonotary within the time prescribed by statute.

(b) The Real Estate Tax Assessment Appeal shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as of course as a party in the assessment appeal by designating such named owner in the caption as Respondent ("Respondent").

(2) A brief description of the subject real estate, its location, the name and address of the owner and the municipality and the school district wherein the real estate is located.

(3) The nature of and reasons for the appeal.

(4) A copy of the Board's Notice of Final Determination and Order shall be attached as an exhibit.

(5) A verification.

(c) Appellant shall serve a copy of the Real Estate Tax Assessment Appeal by certified mail upon the Board addressed to 401 North Second Street, Pottsville, Pennsylvania, 17901 and upon the Respondent at such person's last known mailing address.

(d) Appellant shall file a Certificate of Service with the Prothonotary within five (5) days of the filing of the Real

Estate Tax Assessment Appeal, certifying that the appeal was served in accordance with the provisions of (c) above.

(e) No response to the appeal need be made by either the Appellee or the Respondent.

## II. *Intervention*

(a) The County of Schuylkill and the municipality and school district wherein the real estate is located may intervene as of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as Intervenor in the caption, and shall set forth that such identified party is intervening.

(c) Intervenor shall serve copies of the Notice of Intervention by certified mail upon Appellant, Appellee, and Respondent and any other intervening parties of record.

(d) Intervenor shall file a Certificate of Service with the Prothonotary within five (5) days of the filing of Notice of Intervention, certifying that the Notice of Intervention was served in accordance with (c) above.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

## III. *Discovery*

(a) Depositions and Discovery shall be applicable to real estate tax assessment appeals only as permitted by the Court.

## IV. *Pretrial Conference*

(a) The Court, upon application of a party, may schedule a pretrial conference.

(b) The attorney attending a pretrial conference shall be the trial attorney, and such attorney, or a party in attendance without counsel, shall be prepared to discuss the status of the case as well as any stipulations that may be reasonably agreed to by the parties.

(c) In the event of unexcused failure of trial counsel or a party without counsel to attend a pretrial conference, the conference may nevertheless be held and the presiding judge may impose such sanctions as deemed appropriate.

## V. *Class Actions*

(a) Pa.R.C.P. 1701, et seq. and Sch.R.C.P. 1703, et seq. shall be applicable to real estate tax assessment appeals.

## VI. *Post-Trial Relief*

(a) Post-trial motions shall not be filed in Real Estate Tax Assessment Appeals. The decision of the trial court in all such cases is a final, appealable order.

[Pa.B. Doc. No. 96-1630. Filed for public inspection September 27, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION  
[67 PA. CODE CH. 175]

### Vehicle Equipment and Inspection

The Department of Transportation (Department), Bureau of Motor Vehicles, by this order adopts amendments to Chapter 175 (relating to vehicle equipment and inspection). Notice of proposed rulemaking was published at 24 Pa.B. 3443 (July 16, 1994), with an invitation to submit written comments within 30 days of publication. The Department received four comments.

#### *Comments Received*

The Department received comments from the Independent Regulatory Review Commission (IRRC), the Monroeville Police Department and the Delaware Valley Limousine Operators Association, Incorporated. The Department also received a telephone comment. The following is a summary of the comments received and the Department's response:

(1) IRRC and the Delaware Valley Limousine Operators Association, Incorporated, suggested that the Department consider amending § 175.265 (relating to exemption provisions), to include a certificate of exemption for limousines. This amendment was suggested because limousines have traditionally been equipped with sun screening devices or other materials during the second stage manufacturing process. After discussion with the National Highway Traffic Safety Administration (NHTSA), the Department has declined to act on this suggestion. Many limousines which are equipped with sun screening devices or other materials during the second stage manufacturing process do not comply with Federal Motor Vehicle Safety Standard Number (FMVSS) No. 205 (49 CFR 571.205 (relating to glazing materials)). This standard sets forth abrasion resistance requirements as well as requires at least 70% light transmittance in glazing used in all locations on passenger cars. Since limousines are included in the passenger car category, they are subject to these requirements. Manufacturers of these vehicles, both initial and second stage, are required to certify that the vehicle conforms to all applicable FMVSS. The certification is invalid if after-market sun screening products have been added to the vehicle glazing provided by the manufacturers. Therefore, the Department does not deem it appropriate to specifically exempt these vehicles.

(2) IRRC and the Monroeville Police Department suggested the Department amend these regulations to prohibit the application of excessive sun screening devices or other materials on the rear window of vehicles. The Monroeville Police Department suggested amending 75 Pa.C.S. § 4524(e) (relating to windshield obstructions and wipers) to address sun screening devices or other materials on the rear window. Since most traffic stops occur from the rear, this is the primary point of view a police officer has of the interior of a vehicle. According to the Monroeville Police Department, sun screening devices or other materials may prevent a police officer from seeing the inside of a vehicle, thereby posing a possible threat to police officer safety.

IRRC noted that 75 Pa.C.S. § 4524(b) allows the Department to establish reasonable limitations on any nontransparent material on the rear window of a vehicle

which materially obstructs, obscures or impairs the driver's clear view of the highway. Further, IRRC asserted that sun screening devices or other materials can substantially reduce or virtually eliminate light transparency and visibility. Therefore, since glass manufacturing technology exists which can filter out harmful light rays, IRRC believes there is no legitimate reason for allowing excessive sun screening devices or other materials on any window on a vehicle.

Upon reviewing 75 Pa.C.S. § 4524(b), the Department has amended § 175.67(d)(4) (relating to glazing) by including a reference to Table X (relating to acceptable light transmittance levels for vehicle glazing). Table X sets forth the acceptable light transmittance levels for all vehicle types and window locations, including the rear windows of passenger cars. If the passenger car has a model year of 1997 or older, the acceptable light transmittance levels for the rear window are the ones currently in effect. The rear windows of passenger cars with a model year of 1998 or newer must transmit at least 70% of visible light. The Department has refrained from imposing this more stringent requirement on passenger vehicles with a model year of 1996 or older because it wishes to avoid unduly burdening passenger car owners who have equipped the rear window of their vehicle with a sun screening device or other material that has previously been acceptable. Moreover, this amendment will not affect any other vehicle type since the rear windows of these vehicles are not subject to glazing restrictions under FMVSS No. 205.

(3) IRRC also requested that the Department delete § 175.265(b)(1)(ii) which requires applicants to submit photographs of all vehicle windows for which a certificate of exemption is requested. The Department initially required the submission of these photographs to assist in identifying the vehicle windows equipped with sun screening devices or other materials and that required exemption. However, since photographs rarely give a true representation of the color and density of sun screening devices or other materials, and since vehicle owners self-certify that the information contained on their application for a certificate of exemption is correct, the Department has determined that it is unnecessary to require these photographs. Therefore, the Department has deleted this requirement.

(4) The Department also received a comment by telephone requesting the Department waive the additional mirror requirement of § 175.264 (relating to mirrors) for vehicles with a certificate of exemption for medical reasons. This section was proposed to require right and left outside rearview mirrors when a sun screening device or other material is applied to the vehicle. The purpose of this requirement is to compensate for the visibility lost through the inside rearview mirror when sun screening devices or other materials are applied to vehicles. Additionally, this requirement is consistent with FMVSS No. 205, which sets forth the glazing requirements—including light transmittance levels—for vehicle windows. Vehicles for which certificates of exemption are issued for medical reasons may be equipped with only colorless sun screening devices or other materials. Colorless sun screening devices or other materials do not significantly reduce light transmittance. Consequently, the Department has determined that it is not necessary for vehicles equipped with this type of sun screening device or other material to be equipped with two outside rearview mirrors. Therefore,

the Department has added language to § 175.264 exempting vehicles with medical certificates of exemption from having an outside rearview mirror on both sides of the vehicle, if the vehicle was not originally so equipped. Further, to provide consistency throughout the mirror provisions of this chapter, §§ 175.68, 175.80, 175.98, 175.110, 175.148, 175.160, 175.177 and 175.190 have been similarly amended.

*Additional Modifications to the Proposed Rulemaking*

The final text of these amendments contains modifications, deletions and additions, none of which enlarges the scope of these amendments as originally proposed, and thus, may be published as final rulemaking. The following represents a summary of the changes:

(1) Section 175.26(a)(relating to tools and equipment) has been further amended by deleting paragraph (2), which was proposed to require inspection stations to have a light meter as part of their required tools and equipment. This requirement was originally proposed to ensure that inspection stations had an acceptable method of testing the light transmittance of the glazing on each vehicle inspected. The Department, on February 21, 1996, met with garage associations, representatives of various public interest organizations, and the State Police to discuss issues relating to the safety inspection program. During discussion of these amendments, several attendees expressed concern with the Department's intention to require all inspection stations to purchase light meters. At a meeting of this same group held on June 5, 1996, the Department proposed amending the final regulations to eliminate the issue of sun screening from the inspection procedure. This suggestion was offered to address concerns raised by inspection station representatives regarding the ability of inspection mechanics to readily identify unacceptable sun screening on vehicles. To assist enforcement personnel, the Department has retained language relating to acceptable levels of vehicle sun screening in the final regulations. However, this language does not appear in the inspection procedures, thereby eliminating the need for inspection stations to purchase, maintain and utilize light transmittance meters. For these reasons, the Department has deleted the § 175.26(a)(2).

(2) Section 175.67(d)(1) has been further amended to prohibit signs, posters or other materials, whose design prevents a driver from seeing through the material, from being placed on a rear window as well as a windshield, side window or side wing of a passenger car. This clarification was necessary to ensure that vehicle owners and law enforcement personnel are aware that this paragraph addresses glazing obstructions rather than sun screening devices or other materials. Additionally, this section has been further amended to indicate that the restriction for passenger cars is not applicable to the rear side windows, rear wings or rear window of light trucks and multi-purpose passenger vehicles since FMVSS No. 205 does not restrict the use of any products on these glazing locations. Section 4103(b) of 75 Pa.C.S. (relating to promulgation of vehicle equipment standards) provides that Federal standards, in this case FMVSS No. 205, supersede any Commonwealth standards applicable to the same aspect of vehicle performance or item of equipment. Therefore, since FMVSS No. 205 does not restrict glazing obstructions on windows located behind the driver on light trucks and multi-purpose passenger vehicles, the Department can only prohibit these obstructions on passenger cars.

(3) Section 175.67(d)(2) has been further amended to prohibit signs, posters or other materials, whose design

prevents a driver from seeing through the material, from being placed on a rear side window, rear wing or rear window of a passenger car. These materials are prohibited if they cover more than 20% of the exposed portion of the windows or wings, or extend more than 3 1/2 inches above the lowest exposed portion of the windows or wings. This clarification was necessary to ensure that vehicle owners and law enforcement personnel are aware that this paragraph addresses glazing obstructions rather than sun screening devices or other materials. Like § 175.67(d)(1), this restriction is limited to passenger cars since FMVSS No. 205 does not restrict the use of any products on the rear side windows, rear wings or rear window of light trucks and multi-purpose passenger vehicles. Section 4103(b) of the Vehicle Code, 75 Pa.C.S. § 4103(b) provides that Federal standards, in this case FMVSS No. 205, supersede any Commonwealth standards applicable to the same aspect of vehicle performance or item of equipment. Therefore, since FMVSS No. 205 only addresses specific glazing requirements for windows located behind the driver on passenger cars, these are the only vehicles on which the Department can prohibit these obstructions. Further, since passenger cars are the only vehicles which have this restriction, mirror provisions at §§ 175.97(d)(2), 175.110(a)(2)(i)(C), 175.147(d)(2), 175.160(a)(2)(i)(F), 175.176(d)(2) and 175.190(a)(2)(i)(F) have been deleted since these provisions are located in subchapters that do not address passenger cars.

(4) Section 175.67(d)(4) has been further amended by including a reference to the newly established Table X. Table X sets forth the acceptable light transmittance levels for all vehicle types and window locations. Further, language has been added to indicate that passenger car light transmittance requirements for rear windows are set forth in Table X according to model year. If a passenger car has a model year of 1997 or older, the acceptable light transmittance levels for the rear window are the ones currently in effect. The rear windows of passenger cars with a model year of 1998 or newer must transmit at least 70% of visible light. This table has been added so that law enforcement personnel can easily determine acceptable light transmittance levels for all vehicle types and window locations they may encounter in the course of their duties. Mirror provisions at §§ 175.97(d)(3), 175.147(d)(3) and 175.176(d)(3) have been similarly amended to reflect this change. Moreover, § 175.263(b) has been similarly amended to reflect this change, since this subsection pertains to sun screening devices or other materials on the rear windows of vehicles.

(5) Section 175.68(c)(3) (relating to mirrors) has been further amended to clarify that rearview mirrors are not required to be installed on both sides of a vehicle for which a certificate of exemption has been issued for medical reasons because the sun screening device or other material, in this instance, is colorless. Since colorless sun screening devices or other materials do not significantly reduce light transmittance, the Department has determined that it is not necessary for vehicles equipped with this type of sun screening device or other material to be equipped with outside rearview mirrors on both sides of the vehicle, if these vehicles are not already so equipped. Further, to provide consistency throughout the mirror sections in this chapter, §§ 175.98(c)(3), 175.148(b) and 175.177(b) have also been amended to reflect this change. Moreover, § 175.264 has been similarly amended to reflect this change, since this section pertains to the location of outside rearview mirrors on vehicles equipped with sun screening devices or other materials.

(6) Section 175.80(a)(2)(i)(B) (relating to inspection procedure) has been further amended by deleting language requiring inspection stations to reject a vehicle if the vehicle is equipped with an unacceptable sun screening device or material. This language was deleted as a result of the June 5, 1996, meeting with garage association representatives and representatives of various public interest organizations. At this meeting, it was agreed that the identification and inspection of vehicle sun screening should be excluded from the vehicle inspection procedure, since it is difficult for inspection mechanics to discern all the various types of sun screening materials. However, language was retained elsewhere in these regulations to assist law enforcement agencies in identifying unacceptable levels of light transmittance relating to vehicle sun screening. Sections 175.110(a)(2)(i)(B), 175.160(a)(2)(i)(B) and 175.190(a)(2)(i)(B) have been similarly amended to reflect this change.

(7) Section 175.80(a)(5)(iv) has been further amended to clarify that a vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless the vehicle was originally equipped with outside rearview mirrors on both sides of the vehicle. This subparagraph was originally proposed to require outside rearview mirrors on both sides of the vehicle if the Department issued a certificate of exemption for a sun screening device or other material for the vehicle. The Department proposes to issue certificates of exemption for medical reasons for vehicles equipped with colorless sun screening devices or other materials. Since colorless sun screening devices or other materials do not significantly reduce light transmittance, the Department believes it unnecessary to require a vehicle so equipped to have outside rearview mirrors on both sides of the vehicle, unless the vehicle was originally so equipped. Further, to provide consistency throughout the chapter, §§ 175.110(a)(5)(iv), 175.160(a)(3)(iv) and 175.190(a)(3)(iv) have also been amended to reflect this change.

(8) Section 175.261 (relating to scope) has been further amended for clarification purposes by adding the phrase "and wings" immediately following the word "windows." This amendment was necessary to clarify that the wings of vehicles are also subject to the requirements of this subchapter. Further, the phrase "nontransparent material" has been deleted since the issue of nontransparency is not addressed in this subchapter.

(9) Section 175.263 (relating to sun screening location) has been further amended at subsection (b) by including the word "other" immediately following the phrase "sun screening device or" to maintain consistency throughout the chapter. The Department inadvertently omitted this word from the notice of proposed rulemaking. Further, subsection (c) has been further amended by deleting the phrase "when installed as designed," since this wording adds nothing to the meaning of this subsection. This subsection prohibits the use of louvered materials that reduce the area of driver visibility below 50%, as measured on a horizontal plane.

(10) Section 175.265(b)(1)(ii) which was proposed to require vehicle owners to submit photographs of all vehicle windows for which a certificate of exemption is requested, has been deleted. The Department initially required these photographs to assist in identifying vehicle windows equipped with sun screening devices or other materials and that required exemption. However, since photographs rarely give a true representation of the color and density of sun screening devices or other materials,

and since vehicle owners self-certify that the information contained on their application for a certificate of exemption is correct, the Department has determined that it is unnecessary to require these photographs.

(11) Finally, this chapter has been further amended by the addition of Table X. This table provides a visual reference for law enforcement officials to easily determine acceptable light transmittance levels for all vehicle types and window locations they may encounter during testing of vehicle glazing for enforcement purposes.

#### *Purpose of this Chapter*

The purpose of this chapter is to provide rules and procedures regarding proper equipment and safety inspection of vehicles.

#### *Purpose of these Amendments*

The purpose of these amendments is to implement 75 Pa.C.S. § 4524. The act of July 10, 1984, added subsection (e) to 75 Pa.C.S. § 4524, which prohibits the operation of a vehicle equipped with a sun screening device or other "material which does not permit a person to see or view the inside of the vehicle through the windshield, side wing or side window of the vehicle." For several years, the Department has received numerous complaints from police officers and district justices remarking that the phrase "material which does not permit a person to see or view the inside of the vehicle" is extremely difficult to define and enforce. One problem in interpreting this phrase is that windows coated with sun screening material permit less visibility at night than in daylight, and the statute is silent as to how and when visibility shall be determined. The Department, therefore, has determined that this phrase must be defined to provide guidance as to the factors to be considered when deciding whether a person can see or view the inside of a vehicle.

The Department has defined the phrase "material which does not permit a person to see or view the inside of the vehicle" to clarify that the windshield, any side wing or any side window must allow at least 70% of transmitted light to pass through the window, or an amount of light equal to or exceeding the window's light transmittance percentage at the time of manufacture. This would require any window specified in 75 Pa.C.S. § 4524(e)(1), and to which a sun screening device or other material has been added, to be in conformance with the requirements of 49 CFR 571.205, or FMVSS No. 205, which is the standard to which all new vehicles shall conform. This definition essentially prohibits, in most instances, the use of after market sun screening devices or other materials on vehicle windshields and side windows since these products, when applied, usually do not comply with FMVSS No. 205. So that vehicle owners will not be unduly burdened by the requirements of 75 Pa. C.S. § 4524(e)(1), Act 1984-146 requires the Department to issue a certificate of exemption for any vehicle registered in this Commonwealth, and which had the prohibited sun screening device or other material affixed to the vehicle, as of September 8, 1984. The Department has determined that 75 Pa.C.S. § 4524(e)(2) of Act 1984-146, now subsection (e)(2)(i), exempts hearses, ambulances and government vehicles from the need to obtain a certificate of exemption.

Further, the act of November 21, 1990 (P. L. 556, No. 137), added 75 Pa.C.S. § 4524(e)(3)(ii), which requires the Department to issue certificates of exemption for vehicles equipped with a prohibited sun screening device or other material if the vehicle owner or registrant, or a person residing with the vehicle owner or registrant and who

regularly drives or is driven in the vehicle, suffers from a physical condition which requires the use of a sun screening device or other material. As required by 75 Pa. C.S. § 4524(e)(ii)(A), the Department has consulted with the Medical Advisory Board (Board) concerning the types of physical conditions which would warrant the use of otherwise prohibited sun screening devices or other materials. Based on the recommendation of the Board, the Department intends to issue certificates of exemption for prohibited sun screening devices or other materials for vehicles owned by persons suffering from any photosensitive condition for which protection from ultraviolet light would be beneficial. The Department would also issue exemptions for vehicles owned or registered by persons residing with an individual suffering from any photosensitive condition, if the afflicted person regularly drives or is driven in the vehicle which will be exempted.

These amendments will limit the type of sun screening materials used on these vehicles to those materials which are designed to be colorless while filtering a large percentage of the incoming ultraviolet light, since this type of light is cited as a significant factor in reactions suffered by photosensitive patients. According to the Board, colored window tint is not a prerequisite for medically-necessary sun screening devices to be considered therapeutic. The Department will consult with the Board periodically to determine if there are other medical conditions which warrant a certificate of exemption.

It should also be noted that these regulations apply to nontraditional motor vehicles as well. Motorcycles, motor-driven cycles and motorized pedalcycles are affected by these amendments in that there are presently registered in this Commonwealth certain of these vehicles that are, or may be, equipped with windscreens, side windows and rear windows which can be affixed with sun screening devices or other materials.

The Department initially proposed to require inspection stations to have a light meter as part of their required tools and equipment. This requirement was originally proposed to ensure that inspection stations had an acceptable method of testing the light transmittance of the glazing on each vehicle inspected. The Department, on February 21, 1996, met with garage association, representatives of various public interest organizations, and the State Police to discuss issues relating to the safety inspection program. During discussion of these amendments, several attendees expressed concern with the Department's intention to require inspection stations to purchase light meters. The Department was asked to consider amending the final regulations to eliminate language requiring inspection stations to purchase a light meter. The alternative suggested was that vehicle owners be required to obtain a certificate of compliance for vehicle glazing which had a sun screening device or other material affixed to it. Inspection stations which chose to test vehicle glazing for the purpose of issuing this certificate of compliance would need to purchase a light meter in order to establish the light transmittance levels of the vehicle windows for the purpose of issuing the certificate of compliance.

After researching this alternative, the Department determined that the proposed benefits did not outweigh the potential costs to vehicle owners. Although this alternative would preclude all inspection stations purchasing a light meter, it did not address reservations concerning the ability of inspection mechanics to identify unacceptable sun screening devices or other materials. Since inspection mechanics would be responsible for determining which

vehicles required a certificate of compliance in order to pass inspection, they would continue to be faced with the difficulties inherent in identifying unacceptable sun screening devices or other materials. The Department was also concerned that inspection stations, in an effort to alleviate this responsibility and avoid violating the vehicle equipment and inspection regulations by failing to identify a vehicle which required a certificate of compliance, may be inclined to require this certificate for vehicles that did not need it. The Department was particularly concerned with the potential cost impact on vehicle owners who may be unnecessarily rejected for inspection because they lack a certificate of compliance. This cost impact would be three-fold: a vehicle owner could be charged a fee for the initial failed inspection; they could be charged a fee for the light meter testing required to obtain a certificate of compliance; and they could be charged for a second inspection after the certificate of compliance is obtained.

At a meeting of this same group held on June 5, 1996, the Department proposed amending the final regulations to eliminate the issue of sun screening from the inspection procedure. This suggestion was offered to address concerns raised by inspection station representatives regarding the ability of inspection mechanics to readily identify unacceptable sun screening on vehicles. To assist enforcement personnel, the Department has retained language relating to acceptable light transmittance levels of vehicle glazing in these final regulations. However, this language does not appear in the inspection procedures, thereby eliminating the need for inspection stations to purchase, maintain and utilize light transmittance meters.

#### *Persons or Entities Affected*

These amendments affect official inspection stations; official inspection mechanics; owners of vehicles equipped with nonconforming sun screening materials; persons suffering from any photosensitive condition; persons owning or registering vehicles who reside with a person afflicted with any photosensitive condition, if the afflicted person regularly drives or is driven in the vehicle in question; vehicle sun screening manufacturers and installers; and the State Police and local law enforcement agencies.

#### *Fiscal Impact*

The Commonwealth will continue to incur some costs for printing the forms necessary to administer the exemption program. However, these forms were developed in response to amendments to 75 Pa.C.S. § 4524 which took effect on September 8, 1984, and May 20, 1991. Since the printing costs associated with these forms is relatively low and since it is unknown how many vehicle owners will apply for exemption, the Department will continue to provide for these costs through existing moneys.

The State Police and local law enforcement agencies that choose to purchase light transmittance meters for enforcement purposes will also incur some costs in association with the purchase, calibration and maintenance of the light transmittance meters they will need to measure light transmittance percentages. Based on the costs of the three demonstration units received by the Department, this cost is estimated at \$170—350 per unit.

Vehicle owners with sun screening devices or other materials which are in violation of 75 Pa.C.S. § 4524(e) will incur costs to bring their vehicles into compliance with the law. Likewise, vehicle owners who equip their vehicle with a nonconforming sun screening device or other material due to the presence of a photosensitive

condition will incur costs when they wish to sell the vehicle since 75 Pa.C.S. § 4524(e)(5) requires the removal of sun screening products which were exempted due to a medical condition, prior to the sale of the vehicle. This paragraph also requires the owner or seller to supply the purchaser with a notarized statement setting forth the name and address of the owner or seller, the vehicle identification number, year and model, and the business entity and process used to remove the sun screening device or other material. Because of the wide variety of sun screening products available and the various methods used to install these materials, the Department is unable to determine the extent of the fiscal impact to vehicle owners who must remove sun screening devices or other materials from their vehicle to comply with the requirements of Act 1984-146 and Act 1990-137.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department, on June 30, 1994, submitted a copy of the notice of proposed rulemaking, published at 24 Pa. B. 3443, to IRRC and to the Chairpersons of the House Transportation Committee and the Senate Transportation Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on September 3, 1996, and deemed approved by the Senate Committee on September 3, 1996. IRRC met on September 5, 1996, and approved these final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

*Sunset Provisions*

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to monitor these regulations for their effectiveness.

*Contact Person*

The contact person is Kristen A. Singer, Bureau of Motor Vehicles, Vehicle Inspection Division, 1101 South Front Street, Third Floor, Harrisburg, Pennsylvania 17104, (717) 783-9292.

*Authority*

These amendments are adopted under 75 Pa.C.S. §§ 4103, 4521, 4524 and 6103. The statutory provisions, respectively, empower the Department to promulgate vehicle equipment standards; require the Department to promulgate regulations governing safety and antipollution equipment for vehicles; prohibit certain obstructions on vehicle windows; and authorize the Department to promulgate regulations to implement the Vehicle Code.

*Findings*

The Department finds that:

(1) Public notice of intention to amend the administrative regulations amended 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendment of the regulations of the Department in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Department, 67 Pa. Code Chapter 175, are amended by: amending §§ 175.2, 175.26, 175.67, 175.68, 175.80, 175.97, 175.98, 175.110, 175.147, 175.148, 175.160, 175.176, 175.177, 175.190 and 175.226; by adding §§ 175.261—175.265 and Table X; and by deleting Appendix C to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

*(Editor's Note:* A proposal to amend §§ 175.2, 175.67, 175.80, 175.98, 175.110, 175.160 and 175.190, all amended in this document, remains outstanding at 26 Pa.B. 4230 (August 31, 1996).)

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

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

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

BRADLEY L. MALLORY,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 4582 (September 21, 1996).)

**Fiscal Note:** 18-307. No fiscal impact; (8) recommends adoption. These amendments will not result in any direct fiscal impact to the Commonwealth. However, the State Police may elect to purchase light transmittance meters to measure light transmittance percentages. The one-time cost of purchasing this equipment is estimated at approximately \$28,000 and would be a cost to the State Police General Government Operations Appropriation.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE VII. VEHICLE CHARACTERISTICS**

**CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION**

**Subchapter A. GENERAL PROVISIONS**

**§ 175.2. Definitions.**

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

\* \* \* \* \*

*FMVSS*—The Federal Motor Vehicle Safety Standards in 49 CFR Part 571 (relating to Federal motor vehicle safety standards).

\* \* \* \* \*

*Material which does not permit a person to see or view the inside of the vehicle*—A material which reduces the

transmittance of light to below 70% or to a percentage which is less than the percentage permitted by FMVSS No. 205 in effect at the time of the vehicle's manufacture.

\* \* \* \* \*

**Subchapter B. OFFICIAL INSPECTION STATIONS**

**§ 175.26. Tools and equipment.**

(a) *General requirements.* An inspection station shall have tools and equipment in good operating condition sufficient to inspect each type of vehicle to be inspected, including the following:

- (1) Hammers—a ball-peen hammer, one plastic or brass hammer and one rubber hammer.
- (2) A workbench.
- (3) A portable light.
- (4) Socket sets.
- (5) Assorted open end and box end wrenches.
- (6) Torque wrenches—foot-pound and inch-pound.
- (7) Screw drivers—assorted.
- (8) Pliers—assorted.
- (9) Test light—continuity tester.
- (10) Floor stands: four.
- (11) Floor jack or hoist—wheels shall spin freely.
- (12) Tire pressure gauge.
- (13) Brake drum gauges.
- (14) Micrometer gauges or thickness gauges, with measurements in 1/1000 inch, capable of measuring both the range of rotor thickness and the depth of the scores.
- (15) A ball joint gauge—not required for recreation, utility and motorcycle stations.
- (16) A tread depth gauge capable of indicating amount of usable tire tread in increments of 1/32 inch.
- (17) A brake-lining gauge capable of indicating the amount of usable lining on both riveted and bonded lining in increments of 1/32 inch.
- (18) An approved headlight testing device—SAE approved No. J600a for photo-electric type and J602c for mechanic aimers. Not required for recreational and utility trailer stations.

(19) A paper punch with a minimum diameter or width of 1/4 inch and a maximum diameter or width of 3/8 inch.

(b) *Discontinued testers.* An inspection station equipped with discontinued testers may continue to use them as long as they are in good working order and capable of testing all types of headlights.

**Subchapter E. PASSENGER CARS AND LIGHT TRUCKS**

**§ 175.67. Glazing.**

(a) *Condition of glazing.* Glazing shall meet the requirements of Chapter 161 (relating to glazing materials). See 75 Pa.C.S. § 4526 (relating to safety glass).

(b) *Safety glazing.* A vehicle specified under this subchapter shall be equipped with safety glazing in all windshields, windows and wings. The requirements of this subsection do not apply to a vehicle manufactured or assembled before January 1, 1934, if the original glazing is not cracked or discolored.

(c) *Stickers.* Stickers shall be located as follows:

(1) Truck weight classification sticker—trucks only—shall be affixed to lower left hand corner of the windshield to the immediate right of the certificate of inspection.

(2) The following stickers are authorized to be affixed to windshield or windows, as indicated:

(i) Out-of-State inspection stickers, tax stamps, road use permits or other government-related permits—municipalities and states—may be placed at the lower left or right-hand corner of the windshield.

(ii) A Delaware River Port Authority Bridge Travel Permit may be affixed to the left rear window. This permit is 2-1/4 inches by 4-1/4 inches and is an automatic triggering device for passing vehicles through toll gates on a bridge.

(iii) The suggested manufacturer's retail price sheet may be affixed to a new vehicle of a dealer. These labels are permitted only on the lower portion of a side window, as far to the rear of a vehicle as possible. When the vehicle is sold, this label shall be removed.

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

(1) With the exception of materials in paragraph (4), signs, posters or other materials whose design prevents a driver from seeing through the material may not be placed on the windshield, a side wing, a side window or rear window so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, these restrictions do not apply to the rear side windows, rear wings or rear window of trucks or multipurpose passenger vehicles.

(2) With the exception of materials in paragraph (4), signs, posters or other materials whose design prevents a driver from seeing through the material may not be placed on a rear side window, rear wing or rear window of a passenger car which either covers more than 20% of the exposed portion of the windows or wings, or extends more than 3 1/2 inches above the lowest exposed portion of the windows or wings.

(3) This subsection also applies to glass etchings, except those used for vehicle identification.

(4) A sun screening device or other material which does not permit a person to see or view the inside of the vehicle is prohibited, unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter. Passenger car requirements relating to the rear window are delineated by vehicle model year in Table X.

**§ 175.68. Mirrors.**

(a) *Condition of mirrors.* Mirrors shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Rearview mirrors.* A vehicle specified under this subchapter shall be equipped with at least one rearview mirror or similar device which provides the driver an unobstructed view of the highway to the rear of the vehicle for a distance of not less than 200 feet. A mirror may not be cracked, broken or discolored.

(c) *Obstructions.* On a vehicle specified under this subchapter, a rearview mirror shall be free from obstructions as described in § 175.80.



(1) A vehicle specified under this subchapter having a sign, load or material which obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway shall have two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(2) Rear window louvers are permitted only if the vehicle has at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with minimum reflective surfaces of 19.5 square inches.

(3) Rearview mirrors, each with a minimum reflective surface of 19.5 square inches, shall be installed on both sides of a vehicle for which a certificate of exemption for a sun screening device or other material has been issued. A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless the vehicle was originally equipped with an outside rearview mirror on both sides of the vehicle.

(4) No object or material may be hung from the rearview mirror and no object or material may be hung, placed or attached in a position so as to materially obstruct, obscure or impair the driver's vision through the windshield or constitute a safety hazard.

(5) This subsection also applies to glass etchings, except those used for vehicle identification.

(d) *Motor homes.* A motor home shall be free from obstructions as described in this subchapter.

(1) A vehicle manufactured as or permanently converted into a motor home with a GVW of 11,000 pounds or less may have windows—approved glass only—transparent screens and roll-up shades or curtains installed if the shades and curtains are securely fastened in the completely opened position to avoid covering a portion of window while the vehicle is being operated on the highway. Venetian blinds may not cover a window while the vehicle is operated on the highway.

(2) If a window is covered for installation of a wardrobe, cupboard or other convenience, it shall be factory installed or otherwise permanently installed—optional equipment or facsimile only. Two outside mirrors shall be installed to afford the operator a clear view 200 feet to the rear of the vehicle.

**§ 175.80. Inspection procedure.**

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

\* \* \* \* \*

(2) Check glazing.

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

\* \* \* \* \*

(B) A sign, poster or other material whose design prevents a driver from seeing through the material, obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, this restriction does not apply to the rear side windows, rear wings or rear window of trucks or multi-purpose passenger vehicles.

(C) A sign, poster or other material, whose design prevents a driver from seeing through the material, extends more than 3 1/2 inches from the lowest exposed portion of the rear window, rear side windows or rear wings of a passenger car.

(D) A vehicle displays a sticker other than those prescribed under § 175.67(c) (relating to glazing), or displays a parking sticker in a location described in § 175.67(d).

\* \* \* \* \*

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

\* \* \* \* \*

(ii) This paragraph does not prohibit the use of a product or material along the top edge of a windshield as long as the product or material is transparent and does not encroach upon the AS-1 portion of the windshield as provided by FMVSS No. 205, and the product or material is not more than 3 inches from the top of the windshield.

\* \* \* \* \*

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

\* \* \* \* \*

(iii) A vehicle does not have rearview mirrors as originally equipped by the manufacturer.

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.68 (relating to mirrors), are not installed on both sides of the vehicle if a certificate of exemption for a sun screening device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

\* \* \* \* \*

**Subchapter F. MEDIUM AND HEAVY TRUCKS AND BUSES**

**§ 175.97. Glazing.**

(a) *Condition of glazing.* Glazing shall meet the requirements of Chapter 161 (relating to glazing materials). See 75 Pa.C.S. § 4526 (relating to safety glass).

(b) *Safety glazing.*

(1) A vehicle specified under this subchapter shall be equipped with safety glazing in all windshields, windows and wings. Requirements of this subsection do not apply to a vehicle manufactured or assembled before January 1, 1934, if the original glazing is not cracked or discolored.

(2) Rigid plastic glazing may be used in doors and windows of buses except windshields and windows to the immediate right or left of the driver.

(c) *Stickers.*

(1) Truck weight classification stickers—trucks only—shall be affixed to the lower left-hand corner of the windshield to the immediate right of the certificate of inspection.

(2) The following stickers are authorized to be affixed to the windshield or windows as indicated:

(i) Out-of-State inspection stickers, school bus stickers, tax stamps, road use permits or other government-related permits—municipalities and states—may be placed at the lower left- or right-hand corner of the windshield.

(ii) A Delaware River Port Authority Bridge Travel Permit may be affixed to the left rear window. This permit is 2 1/4 inches by 4 1/4 inches and is an automatic triggering device for passing vehicles through toll gates on bridges.

(iii) The suggested manufacturer's retail price sheet may be affixed to a new vehicle of a dealer. These labels are permitted only on the lower portion of a side window, as far to the rear of the vehicle as possible. When the vehicle is sold, this label shall be removed.

(d) *Obstructions.* A vehicle specified under this subchapter shall have glazing free from obstructions as described in § 175.110 (relating to inspection procedure).

(1) With the exception of materials in paragraph (3), signs, posters or other materials, whose design prevents a driver from seeing through the material, may not be placed on the windshield or a side wing or a side window so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, these restrictions do not apply to the rear side windows, rear wings or rear window.

(2) The requirements of this subsection also apply to glass etchings, except those used for vehicle identification.

(3) A sun screening device or other material which does not permit a person to see or view the inside of the vehicle is prohibited unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter.

**§ 175.98. Mirrors.**

(a) *Condition of mirrors.* Mirrors shall be in safe condition as described in § 175.110 (relating to inspection procedure).

(b) *Rearview mirrors.* A vehicle specified under this subchapter shall be equipped with at least one rearview mirror or similar device which provides the driver an unobstructed view of the highway to the rear of the vehicle for a distance of not less than 200 feet. A mirror may not be cracked, broken or discolored.

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

(1) A vehicle specified under this subchapter having a sign or load or another material which obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway shall have two outside rearview mirrors, one on the driver's side and one on the passenger side, each with a minimum reflective surface as follows:

<i>Required Reflective Surface</i>	<i>Gross Vehicle Weight</i>
19.5 square inches	Less than 10,001 pounds
50 square inches	Over 10,000 pounds

(2) Rear window louvers are permitted only if the vehicle has at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(3) Rearview mirrors, each with a minimum reflective surface of 19.5 square inches, shall be installed on both sides of a vehicle for which a certificate of exemption for a sun screening device or other material has been issued. A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

(4) No object or material may be hung from the rearview mirror and no object or material may be hung, placed or attached in a position that materially obstructs, obscures or impairs the driver's vision through the windshield or in a manner that constitutes a safety hazard.

(5) This subsection also applies to glass etchings, except those used for vehicle identification.

(d) *Motor homes.* A motor home shall be free from obstructions as described in this subchapter.

(1) A vehicle manufactured as or permanently converted into a motor home with a GVW of 11,001 pounds or more may have windows, approved glass only, transparent screens and roll-up shades or curtains installed if the shades and curtains are securely fastened in completely opened position, so as to avoid covering a portion of a window, while the vehicle is being operated on the highway. Venetian blinds may not cover a window while the vehicle is operated on highway.

(2) If a window is covered for installation of wardrobe, cupboard or other convenience, it shall be factory installed or otherwise permanently installed optional equipment or facsimile only. Two outside mirrors shall be installed to afford the operator clear view 200 feet to the rear of the vehicle.

**§ 175.110. Inspection procedure.**

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

\* \* \* \* \*

(2) Check glazing.

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

\* \* \* \* \*

(B) A sign, poster or other material whose design prevents a driver from seeing through the material, obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, this restriction does not apply to the rear side windows, rear wings or rear window of vehicles subject to this subchapter.

(C) A vehicle displays a sticker other than those prescribed under § 175.97(c)(relating to glazing), or displays a parking sticker in a location described in § 175.97(d).

(D) The glass is shattered, broken or has any exposed sharp edges.

(E) The windshield is removed.

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

(G) Glass etchings, except those used for vehicle identification, are on windshield or front side windows.

(H) Glass etchings extend more than 3 1/2 inches from lowest exposed portion of rear window, rear side windows or rear wings.

(ii) This paragraph does not prohibit the use of a product or material along the top edge of the windshield as long as the product or material is transparent and does not encroach upon the AS-1 portion of the windshield as provided by FMVSS No. 205, and the product or material is not more than 3 inches from the top of the windshield.

\* \* \* \* \*

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

\* \* \* \* \*

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.98 (relating to mirrors), are not installed on both sides of the vehicle if a certificate of exemption for a sun screening device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

\* \* \* \* \*

**Subchapter H. MOTORCYCLES**

**§ 175.147. Glazing.**

(a) *Condition of glazing.* Glazing shall meet the requirements of Chapter 161 (relating to glazing materials). See 75 Pa.C.S. § 4526 (relating to safety glass).

(b) *Safety glazing.* A motorcycle may be equipped with a windscreen. This subsection does not apply to a vehicle manufactured or assembled before January 1, 1934, if the original glazing is not cracked or discolored.

(c) *Stickers.* Out-of-State inspection stickers, tax stamps, road use permits or other government-related permits—all municipalities and states—may be placed at the lower left- or right-hand corner of the windscreen.

(d) *Obstructions.* A vehicle specified under this subchapter shall have glazing free from obstructions as described in § 175.160 (relating to inspection procedure).

(1) With the exception of the materials in paragraph (3), signs, posters or other materials, whose design prevents a driver from seeing through the material, may not be placed on the windscreen or a side wing or side window so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, these restrictions do not apply to the rear side windows, rear wings or rear window of vehicles subject to this subchapter, if so equipped.

(2) The requirements of this subsection also apply to glass etchings, except those used for vehicle identification.

(3) A sun screening device or other material which does not permit a person to see or view the inside of the vehicle is prohibited unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter.

**§ 175.148. Mirrors.**

(a) *Condition of mirrors.* Mirrors shall be in safe operating condition as described in § 175.160 (relating to inspection procedure).

(b) *Rearview mirrors.* A motorcycle shall be equipped with at least one rearview mirror or similar device. If a certificate of exemption for a sun screening device or other material has been issued, rearview mirrors, each with a minimum reflective surface of 12 1/2 square inches for a flat mirror or 10 square inches for a convex mirror, shall be installed on both sides of a motorcycle. A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

(1) A mirror may not be cracked, broken or discolored.

(2) A mirror shall hold adjustment.

(3) A mirror shall provide an unobstructed view of the highway to the rear of the vehicle for a distance of not less than 200 feet.

(4) A mirror shall provide a minimum reflective surface of 12 1/2 square inches for a flat mirror or 10 square inches for a convex mirror.

(c) *Obstructions.* A motorcycle rearview mirror shall be free from obstructions as described in § 175.160.

**§ 175.160. Inspection procedure.**

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

\* \* \* \* \*

(2) Check glazing.

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

\* \* \* \* \*

(B) A sign, poster or other material whose design prevents a driver from seeing through the material, obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway.

(C) A vehicle displays a sticker other than those prescribed under § 175.147(c) (relating to glazing), or displays a parking sticker in a location described in § 175.147(d).

\* \* \* \* \*

(E) There are defects in an acute area of the windscreen—center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision, 8 1/2 inches wide and 5 1/2 inches high—or discolorations or hazardous cracks which would interfere with the driver's vision.

\* \* \* \* \*

(ii) This paragraph does not prohibit the use of a product or material along the top edge of the windscreen as long as the product or material is transparent and does not encroach upon the AS-1 portion of the windscreen as provided by FMVSS No. 205, and the product or material is not more than 3 inches from the top of the windscreen.

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

\* \* \* \* \*

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.148(b) (relating to mirrors), are not installed on both sides of the motorcycle, if a certificate of exemption for a sun screening device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

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

**§ 175.176. Glazing.**

(a) *Condition of glazing.* Glazing shall meet the requirements of Chapter 161 (relating to glazing materials). See 75 Pa.C.S. § 4526 (relating to safety glass).

(b) *Safety glazing.* A vehicle specified under this subchapter may be equipped with a windscreen. Requirements of this subsection do not apply to a vehicle manufactured or assembled before January 1, 1934, if original glazing is not cracked or discolored.

(c) *Stickers.* Out-of-State inspection stickers, tax stamps, road use permits or other government-related permits—all municipalities and states—may be placed at the lower left- or right-hand corner of windscreen.

(d) *Obstructions.* A vehicle specified under this subchapter shall have glazing free from obstructions as described in § 175.190 (relating to inspection procedure).

(1) With the exception of materials in paragraph (3), signs, posters or other materials, whose design prevents a driver from seeing through the material, may not be placed on the windscreen or a side wing or a side window so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, these restrictions do not apply to the rear side windows, rear wings or rear window of vehicles subject to this subchapter, if so equipped.

(2) The requirements of this subsection also apply to glass etchings, except those used for vehicle identification.

(3) A sun screening device or other material which does not permit a person to see or view the inside of the vehicle is prohibited unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter.

**§ 175.177. Mirrors.**

(a) *Condition of mirrors.* Mirrors shall be in safe operating condition as described in § 175.190 (relating to inspection procedure).

(b) *Rearview mirrors.* A vehicle specified under this subchapter shall be equipped with at least one rearview mirror or similar device. If a certificate of exemption for a sun screening device or other material has been issued, rearview mirrors, each with a minimum reflective surface of 12 1/2 square inches for a flat mirror or 10 square inches for a convex mirror, shall be installed on both sides of a motor-driven cycle or motorized pedalcycle. A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

(1) A mirror may not be cracked, broken or discolored.

(2) A mirror shall hold adjustment.

(3) A mirror shall provide an unobstructed view of highway to the rear of the vehicle for a distance of not less than 200 feet.

(4) A mirror shall provide a minimum reflective surface of 12 1/2 square inches for a flat mirror or 10 square inches for a convex mirror.

(c) *Obstructions.* In a vehicle specified under this subchapter, the rearview mirror shall be free from obstructions as described in § 175.190.

**§ 175.190. Inspection procedure.**

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

\* \* \* \* \*

(2) Check glazing.

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

\* \* \* \* \*

(B) A sign, poster or other material whose design prevents a driver from seeing through the material, obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, this restriction does not apply to the rear side windows, rear wings or rear window of vehicles subject to this subchapter, if so equipped.

(C) A vehicle displays a sticker other than those prescribed under § 175.176(c) (relating to glazing), or displays a parking sticker in a location described in § 175.176(d).

\* \* \* \* \*

(E) There are defects in an acute area of the windscreen—center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision 8 1/2 inches wide and 5 1/2 inches high—or discolorations or hazardous cracks which would interfere with the driver's vision.

(ii) This paragraph does not prohibit the use of a product or material along the top edge of the windscreen as long as the product or material is transparent and does not encroach upon the AS-1 portion of the windscreen as provided by FMVSS No. 205 and the product or material is not more than 3 inches from the top of the windscreen.

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

\* \* \* \* \*

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.177(b) (relating to mirrors), are not installed on both sides of the vehicle, if a certificate of exemption for a sun screening device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

\* \* \* \* \*

**Subchapter L. ANIMAL-DRAWN VEHICLES, IMPLEMENTS OF HUSBANDRY AND SPECIAL MOBILE EQUIPMENT**

**§ 175.226. Glazing.**

(a) *Condition of glazing.* Glazing shall meet requirements of Chapter 161 (relating to glazing materials). See 75 Pa.C.S. § 4526 (relating to safety glass).

(b) *Stickers.* Out-of-State inspection stickers, tax stamps, road use permits or other government-related permits—all municipalities and states—shall be placed at the lower left- or right-hand corner of the windshield.

(c) *Obstructions.* Vehicle glazing shall be free from obstructions as described in this subchapter. No sign, poster or other material may be placed on the windshield or front side windows so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway.

(d) *Sun screening devices.* A sun screening device or other material which does not permit a person to see or view the inside of the vehicle is prohibited unless a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). This

subsection applies only to motor vehicles. See Table X for specific requirements for vehicles subject to this subchapter.

### Subchapter O. VEHICLE SUN SCREENING DEVICES

Sec.	
175.261.	Scope.
175.262.	Applicability.
175.263.	Sun screening location.
175.264.	Mirrors.
175.265.	Exemption provisions.

#### § 175.261. Scope.

This subchapter governs the application upon windows and wings, except roof locations, of sun screening devices, and other material which do not permit a person to see or view the inside of the vehicle, and which do not comply with FMVSS No. 205, and the application for a certificate of exemption from this subchapter.

#### § 175.262. Applicability.

This subchapter applies to vehicles which are subject to a periodic safety inspection, except those inspected in accordance with § 175.130 (relating to inspection procedure).

#### § 175.263. Sun screening location.

(a) *Windshields, side windows and side wings.* A person may not operate, on a highway, a motor vehicle with a front windshield, side window or side wing that has been equipped with a sun screening device or other material which does not permit a person to see or view the inside of the vehicle. This subchapter does not prohibit the use of products or materials along the top edge of the windshield if the products or materials are transparent and do not encroach upon the AS-1 portion of the windshield as provided by FMVSS No. 205 and if the devices or materials are not more than 3 inches from the top of the windshield.

(b) *Rear window.* The rear window on a motor vehicle may be treated by the vehicle owner with a sun screening device or other material. If the rear window is treated with a sun screening device or other material, the vehicle shall comply with § 175.264 (relating to mirrors). See Table X for specific requirements for vehicles subject to this subchapter.

(c) *Louvered materials.* Louvered materials may not reduce the area of driver visibility below 50% as measured on a horizontal plane.

#### § 175.264. Mirrors.

Right and left outside rearview mirrors shall be required with the use of a sun screening device or other material unless the sun screening device or other material is only used or applied above the AS-1 portion of the windshield as permitted in § 175.263(a) (relating to sun screening location). Each mirror shall have a minimum reflective surface of 19.5 square inches, except as otherwise provided in §§ 175.148(b) and 175.177(b) (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

#### § 175.265. Exemption provisions.

(a) *Exempt vehicles.* The following vehicles are exempt from § 175.263 (relating to sun screening location):

- (1) A hearse, ambulance or government vehicle.

(2) A vehicle for which a certificate of exemption has been issued by the Department under subsection (b).

(b) *Certificate of exemption.* The Department will issue a certificate of exemption from § 175.263 for the following vehicles:

(1) A vehicle which was registered in this Commonwealth as of September 8, 1984, and was equipped with a prohibited sun screening device or other prohibited material prior to September 9, 1984. Requests for this type of exemption shall be accompanied by an application for a certificate of exemption, made on a form furnished by the Department, which shall contain a description of the vehicle by make, year, model, vehicle identification number, windows and wings equipped with sun screening device or other material and other information as the Department may prescribe.

(2) A vehicle owned by a person who is afflicted with a condition for which the Department has determined, in consultation with the Medical Advisory Board, that the use of prohibited sun screening devices or other materials is justified; or a vehicle owned by a person residing with a person who is so afflicted, if the afflicted person normally drives or is driven in the vehicle. An application for a certificate of exemption will be granted only for colorless sun screening device or other material and shall be made on a form furnished by the Department, which shall contain the following:

(i) A description of the vehicle by make, year, model and vehicle identification number.

(ii) A medical certification of need due to a disability from a licensed physician or optometrist.

(iii) Other information as the Department may prescribe.

(c) *Display of certificate issued for vehicles registered as of September 8, 1984.* Upon compliance with the criteria in subsection (b)(1), the Department will issue a certificate of exemption which shall be carried in the vehicle at all times by the operator of the vehicle and shall be displayed upon request of a police officer. The certificate of exemption shall also be submitted to the inspection station upon submission of the vehicle for inspection.

(d) *Display of certificate issued for medical reasons.* Upon compliance with the criteria in subsection (b)(2), the Department will issue a certificate of exemption authorizing the installation of a colorless sun screening device or other material which filters ultraviolet light. This certificate of exemption shall be carried in the vehicle at all times by the operator of the vehicle and shall be displayed upon request of a police officer. The certificate of exemption shall also be submitted to the inspection station upon submission of the vehicle for inspection.

(e) *Sale or transfer of exempted vehicle.* Upon the sale or transfer of a vehicle for which a certificate of exemption has been issued under subsection (b)(2), the certificate of exemption is void. Prior to the sale or transfer of a vehicle exempted under subsection (b)(2), it is the sole responsibility of the owner or seller of the vehicle to remove sun screening devices or other materials which do not comply with Departmental regulations. The owner or seller shall destroy the certificate of exemption and provide the purchaser with a notarized statement specifying the name and address of the owner or seller, the vehicle identification number, year and model, and the business entity and process used to remove the sun screening device or other material.

**TABLE X—ACCEPTABLE LIGHT TRANSMITTANCE LEVELS FOR VEHICLE GLAZING**

**All light transmittance levels listed below assume a 3% accuracy ( $\pm 3\%$ ).**

<i>Vehicle Type</i>	<i>Windshield</i>	<i>Front Side Windows/Wings</i>	<i>Rear Side Windows/Wings</i>	<i>Rear Window</i>
Pre-1998 Passenger Cars	70%	70%	70%	VESC-20*
1998 & Newer Passenger Cars	70%	70%	70%	70%
Trucks & Multi-Purpose Passenger Vehicles	70%	70%	No Requirement	No Requirement
Medium/Heavy Trucks & Buses	70%	70%	No Requirement	No Requirement
All Other Vehicles	70%	70%	No Requirement	No Requirement

\*A label, permanently installed between the sun screening device or other material and the glazing to which it is applied, shall contain the name of the device or material manufacturer or a registration number and the statement, "Complies with VESC-20."

**APPENDIX C. (Reserved)**

[Pa.B. Doc. No. 96-1631. Filed for public inspection September 27, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

### Endorsement of Foreign Trained Nurses

The State Board of Nursing (Board) proposes to amend §§ 21.28 and 21.155 (relating to licensure by endorsement) to read as set forth in Annex A. The amendments would add new provisions to permit nurses who have been educated in foreign nursing programs to obtain licensure by endorsement. Also, the amendments would delete § 21.28(c) which requires the Board to issue letters of permission for applicants for endorsement to practice for 1 year from the date of application.

#### *Registered Nurses*

The Board wishes to delete language under § 21.28(c) which requires the Board to issue letters permitting applicants for endorsement to practice for 1 year from the date of application. Since section 4.1 of the Professional Nursing Law (63 P.S. § 214.1), now authorizes the issuance of a temporary practice permit, a letter of permission is unnecessary.

In addition, the Board is adding new language to subsection (c) pertaining to licensure by endorsement. Licensure by endorsement (without examination) is authorized under section 7 of the Professional Nursing Law (63 P.S. § 217). A person may be licensed without examination who: (1) is registered or licensed by examination in a jurisdiction of the United States or Canada; and (2) has completed a nursing program which the Board finds equivalent to the approved Board programs in this Commonwealth at the time the program was completed. Currently, § 21.28 pertains only to endorsement applicants who have graduated from an approved nursing program in the United States or Canada and qualified in the other state by passing the National Council Licensure Examination, the examination which the Board has adopted for graduates of Commonwealth nursing programs. Existing regulation pertaining to licensure of a graduate of a foreign nursing program is found only at § 21.23 (relating to qualifications of applicant for examination) pertaining to applicants for admission to the Board examination. That section requires that a nurse who has completed a nursing program in a foreign country (other than the United States or Canada) successfully complete a proficiency examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS). Read together, the two sections create an apparent anomaly: nurses educated in another country may be admitted to the National Council Licensure Examination and qualify for a license by passing the examination, but nurses educated in another country who have already passed the National Council Examination to qualify for a license in another state may not qualify for license by endorsement.

To obviate the necessity of the foreign educated nurse to pass the examination again to obtain a license to practice in this Commonwealth, the Board proposes to amend § 21.28(c). This subsection would authorize license without examination to a nurse who was educated in

another country, but who otherwise qualified for license in another state by examination and who seeks licensure by endorsement from that state. To further assist the foreign educated nurse in establishing the educational credentials, the new subsection would recognize the evaluation of foreign nurse programs done by the CGFNS as the means by which the Board would determine whether the CGFNS education is equivalent to the Board's approved program.

#### *Practical Nurses*

Although section 6 of the Practical Nurse Law (63 P.S. § 656) authorizes the Board to license without examination a practical nurse licensed in another jurisdiction who graduated from a foreign program if the program is considered equivalent to a program approved in this Commonwealth, the Board's regulations do not provide guidance on methods of determining equivalency. Section 21.155(a) permits the Board to compare examinations rather than programs. Accordingly, new subsection (d) would permit the Board to base equivalency of programs on an evaluation performed by the CGFNS.

#### *Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no fiscal impact and will not impose additional paperwork on the private sector, the general public or the Commonwealth and its political subdivisions.

#### *Statutory Authority*

The Board has authority to promulgate these proposed amendments under section 2.1(k) of the Professional Nursing Law (63 P.S. § 212.1(k)) and section 17.6 of the Practical Nurse Law (63 P.S. § 667.6). These provisions authorize the Board to establish rules and regulations for the administration of the Law.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of these proposed amendments on September 13, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided the Committees and IRRC with a copy of a detailed regulatory analysis form prepared by the Board 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 Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor of objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Beth Sender Michlovitz, Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-

2649, within 30 days following publication of the proposed amendments in the *Pennsylvania Bulletin*.

SISTER RITA MORIARTY, RN, MPA,  
*Chairperson*

**Fiscal Note:** 16A-512. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter A. REGISTERED NURSES LICENSES**

**§ 21.28. Licensure by endorsement.**

\* \* \* \* \*

(c) [An applicant for licensure in this Commonwealth by endorsement who holds a current license to practice nursing in another state or territory of the United States or Canada may practice nursing in this Commonwealth during the period that an application filed for licensure in this Commonwealth is pending before the Board, but not for more than 1 year. When the application is filed with the Board, a letter of permission for employment will be issued.] A registered nurse who has graduated from a nursing program in a country or territory outside of the United States or Canada and who is licensed by completing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth without examination if the applicant's program of study is deemed equivalent to the program of study required in this Commonwealth at the time the program was completed. The Board will base equivalency upon an evaluation performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as to the foreign nursing program.

\* \* \* \* \*

**Subchapter B. PRACTICAL NURSES LICENSES**

**§ 21.155. Licensure by endorsement.**

\* \* \* \* \*

(d) A practical nurse who has graduated from a practical nursing program in a country or territory outside of the United States or Canada and who is licensed by completing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth without examination if the applicant's program of study is deemed equivalent to the program of study required in this Commonwealth at the time the program was completed. The Board will base equivalency upon an evaluation performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as to the foreign nursing program.

[Pa.B. Doc. No. 96-1632. Filed for public inspection September 27, 1996, 9:00 a.m.]

**STATE HORSE RACING COMMISSION**

[58 PA. CODE CH. 163]

**Claiming Races**

The State Horse Racing Commission (Commission) acting under the authority conferred by section 202 of the Race Horse Industry Reform Act (4 P.S. § 325.202), proposes to amend § 163.254 (relating to starting of claimed horses).

A claiming race is one in which a horse is entered by its owner or trainer, or both, for a designated price and from which that horse may be claimed for that designated price. At least 10 minutes prior to the beginning of the claiming race, an eligible person seeking to claim a particular horse must first complete a form, place it into an envelope, seal it and time stamp it. The sealed envelope is then deposited into a claim box. The potential claimant shall simultaneously have on credit with the horsemen's bookkeeper, an amount of money at least equal to the specified claiming price and other applicable charges. No information as to the filing of claims may be given out until after the race has been run. The claim is thereafter reviewed by the Board of Stewards for completeness and accuracy. The claimed horse may not be delivered by the original owner to the successful claimant until authorization is given by the stewards.

A claiming race serves several functions within the racing industry. Initially, it is a vehicle by which an owner or trainer, or both, can classify the horse at an amount that accurately reflects that horse's value by competing at that price level. As such, claiming races serve to maintain a competitive balance among the horses, thus keeping the races fair and evenly matched. Claiming races also provide the opportunity for new owners or trainers, or both, to enter into the industry without a tremendous initial capital investment. Therefore, the claiming races provide individuals access to various quality horses.

Section 163.254, as presently promulgated, prohibits a claimed horse, for 30 days, from entering a race in which the eligibility price is less than 25% more than the price in which it was claimed. In essence, the owner or trainer, or both, is prevented from participating in a lower or similarly priced race as the one from which the horse was originally claimed. The horse, if it races within 30 days of being claimed, shall start in a race which is 25% higher in price. As set forth in Annex A, the proposed amendment will remove restrictions placed upon the owner/trainer from starting a claimed horse in a subsequent race. The deletion of the price restriction will bring the Commission's claiming rules in line with those of the State Harness Racing Commission and surrounding racing jurisdictions, such as New Jersey, Delaware and Maryland, none of which has a similar restriction.

*Fiscal Impact*

*A. Political Subdivisions*

The proposed amendment does not impose costs and has no fiscal impact upon the political subdivisions.

*B. Private Sector*

The proposed amendment does not impose costs and has no fiscal impact upon the private sector.



*C. General Public*

The proposed amendment does not impose costs and has no fiscal impact upon the general public.

*Paperwork Requirements*

The proposed amendment will not generate new paperwork for the public or this Commonwealth.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the proposed amendment on September 12, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House State Government Committee and the Senate State Government Committee. In addition to submitting the proposed amendment, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 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 amendment, it must notify the Commission within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Commission, the General Assembly and the Governor of objections raised.

*Contact Person*

Interested persons are invited to submit written comments regarding the proposed amendment within 30 days following publication in the *Pennsylvania Bulletin*. Comments shall be submitted to Benjamin H. Nolt, Jr., Executive Secretary, State Horse Racing Commission,

Room 302, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-1942.

*Effective Date*

The proposed amendment will become effective upon final adoption.

BENJAMIN H. NOLT, Jr.,  
*Executive Secretary*

**Fiscal Note:** 34-61. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART IV. HORSE RACING COMMISSION****CHAPTER 163. RULES OF RACING****CLAIMING RACES****§ 163.254. Starting of claimed horses.**

**[For a period of 30 days after the claim, a claimed horse may not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed does not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the 31st calendar day following the claim for any claiming price. This section does not apply to starter handicaps in which the weight to be carried is assigned by the handicapper.] A claimed horse may immediately start in any subsequent claiming race, subject to compliance with this chapter, regardless of the claiming price for which it was claimed.**

[Pa.B. Doc. No. 96-1633. Filed for public inspection September 27, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective September 12, 1996.

The organization chart at 26 Pa.B. 4656 (September 28, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

[Pa.B. Doc. No. 96-1634. Filed for public inspection September 27, 1996, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Project Proposals

The Department of Agriculture is soliciting Agricultural Research Project proposals for research projects to be completed by June 30, 1997. Application forms are available from the contact below. Proposals are due in the

Department by October 11, 1996. The Department will enter into a contract with successful research institutions for work to be completed. For more information, contact Fred Wertz, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 783-3577.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-1635. Filed for public inspection September 27, 1996, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 17, 1996.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-13-96	Prime Newco, Inc. (to be renamed Prime Bancorp, Inc.), Philadelphia, to merge with First Sterling Bancorp, Inc., Devon, and so indirectly acquire First Sterling Bank, Devon	Philadelphia	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-12-96	Pittsburgh Home Savings Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: 2505 West Liberty Avenue Pittsburgh Allegheny County	Pittsburgh	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-9-96	Ambassador Bank of the Commonwealth Allentown Lehigh County	1323 Grape Street Whitehall Lehigh County	Opened
9-12-96	United Bank of Philadelphia Philadelphia Philadelphia County	100 E. Olney Avenue Philadelphia Philadelphia County	Filed
9-13-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Cressler's Grocery Store 1075 W. King Street Shippensburg Franklin County	Filed
9-16-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	WalMart 1355 E. Lehman Street Lebanon Lebanon County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-16-96	Berks County Bank Reading Berks County	4453 Fifth Street Highway Muhlenberg Twp. Berks County	Filed
9-16-96	Mid-State Bank and Trust Company Altoona Blair County	3180 W. College Ave. State College Ferguson Township Centre County	Opened

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-12-96	United Bank of Philadelphia Philadelphia Philadelphia County	1321 West Lindley Ave. Philadelphia Philadelphia County	Filed
9-12-96	United Bank of Philadelphia Philadelphia Philadelphia County	1015 North Marshall St. Philadelphia Philadelphia County	Filed
9-13-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	871 W. King Street Shippensburg Franklin County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1636. Filed for public inspection September 27, 1996, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Action Plan for 1997**

The Department of Community and Economic Development (DCED) proposes to adopt the Commonwealth's Action Plan for Federal fiscal year (FFY) 1997 and the program year which starts on January 1, 1997. The 1997 Action Plan is an annual update of the Commonwealth's Consolidated Plan for FFY 1995 through 1999. The Action Plan contained here is the second annual update of the Consolidated Plan submitted by the Commonwealth.

The 1997 Action Plan (or the Plan) replaces several documents submitted to the U. S. Department of Housing and Urban Development (HUD). These documents include the Comprehensive Housing Affordability Strategy (CHAS), the nonhousing community development plan, application materials for the HOME Investment Partnerships (HOME), the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG), and the Housing Opportunities for Persons with AIDS (HOPWA) programs.

This summary is designed to give citizens, local government officials and interested organizations of the Commonwealth an opportunity to comment on the Plan. Please submit written comments to Ed Geiger, Executive Policy Specialist, Policy Office, Department of Community

and Economic Development, 471 Forum Building, Harrisburg, PA 17120. Written comments must be received by November 1, 1996.

In addition, a public hearing has been scheduled as follows:

October 29, 1996, Department of Community and Economic Development, Room 321, Forum Building, Harrisburg, PA 17120, 3 p.m.-6 p.m.

Anyone who wants to speak must call to schedule a time to give oral testimony at the hearing. This hearing will be shortened if no one is scheduled to testify or if there is minimal response. To schedule your oral testimony at the hearing contact Crystal Stauffer at (717) 787-4088 by October 28, 1996.

Anyone with a hearing disability who wishes to attend the public hearing should notify the Department in advance so accommodations can be made. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984.

*Purpose*

The Commonwealth's 1997 Action Plan updates the 5-year Consolidated Plan by describing how programs will be implemented in 1997. The Action Plan must be approved by HUD to receive direct funding under most HUD housing and community development programs or to permit such funds to go to projects and organizations within the State. Applicants for funding from Federal housing programs must obtain certification that their proposed use of HUD assistance will be consistent with the applicable Plan for the area.

The Plan will have a major impact on the types, location and number of affordable housing units generated and preserved in the Commonwealth as well as the infrastructure, public facilities, services and other economic and community development initiatives that Pennsylvania communities will undertake.

#### *Content/Priorities*

The 1997 Action Plan retains the two priorities for housing and community development resources which were adopted in the 5-year Consolidated Plan. Priority for housing resources will be placed on projects that assist persons of low income, those who are at or below 50% of the median family income (MFI) for their area, and certain exceptional projects that promote diversity or contribute to a community development strategy. DCED allocates 13% of its CDBG funds competitively and 85% using a State-legislated distribution formula (2% is retained for administration). Priority for the Commonwealth's competitive CDBG funds will be given to projects which address serious and resolvable community development problems. The Commonwealth recognizes that each community is unique and has distinctive needs. The Commonwealth's goals and action steps will assist communities to address their housing and community development needs in a more coordinated fashion. The Commonwealth hopes to encourage community building activities which have a long-term positive effect.

#### *Public Review*

The Consolidated Plan is available for public comment now through November 1, 1996 at the locations listed below. The Plan will be made available again at these same locations, following approval by HUD.

The draft for public comment and approved consolidated plan will be available for public examination at the following locations:

*County Commissioners:* A copy will be sent to the Chairperson of each county Board of Commissioners.

Audio cassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind:

Patricia Summers, Coordinator, Harrisburg, Area Radio Reading Service, 1800 N. Second Street, Harrisburg, PA 17102, telephone (717) 238-2531.

*Pennsylvania Department of Community and Economic Development Regional Offices:*

Southwest Regional Office, 413 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, telephone (412) 565-5002.

Northwest Regional Office, Third Floor, Rothrock Building, 121 West 10th Street, Erie, PA 16501, telephone (814) 871-4241.

Northeast Regional Office, 201 Samters Building, 101 Penn Avenue, Scranton, PA 18503, telephone (717) 963-4571.

Southeast Regional Office, 908 State Office Building, Broad and Spring Garden Streets, Philadelphia, PA 19130, telephone (215) 560-2256.

Northcentral and Southcentral Regional Offices, 576 Forum Building, Harrisburg, PA 17120, telephone (717) 787-7347.

*Pennsylvania's 28 District Libraries:*

B. F. Jones Memorial Library, Aliquippa

Allentown Public Library, Allentown

Altoona Area Public Library, Altoona  
 Centre County Library, Bellefonte  
 Bethlehem Area Public Library, Bethlehem  
 Conococheague District Library, Chambersburg  
 Clarion District Library, Clarion  
 Bucks County Free Library, Doylestown  
 Easton Area Public Library, Easton  
 Erie County Library, Erie  
 Dauphin County Library, Harrisburg  
 Cambria County Library, Johnstown  
 Lancaster County Library, Lancaster  
 Delaware County Library, Brookhaven  
 Monessen Public Library, Monessen  
 New Castle Public Library, New Castle  
 Montgomery County-Norristown Public Library,  
 Norristown  
 Free Library of Philadelphia, Philadelphia  
 Carnegie Library of Pittsburgh, Pittsburgh  
 Pottsville Free Public Library, Pottsville  
 Reading Public Library, Reading  
 Scranton Public Library, Scranton  
 Warren Public Library, Warren  
 Citizens Library, Washington  
 Chester County Library, Exton  
 Osterhout Free Library, Wilkes-Barre  
 James V. Brown Library, Williamsport  
 Martin Memorial Library, York

THOMAS B. HAGEN,  
*Secretary*

[Pa.B. Doc. No. 96-1637. Filed for public inspection September 27, 1996, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Pennsylvania Heritage Parks Program: Fiscal Year 1996-1997; Grant Application Announcement

The Department of Conservation and Natural Resources (DCNR) announces that applications are now being accepted for grants from the 1996-1997 fiscal year Pennsylvania Heritage Parks Program. The deadline for submission of applications is December 13, 1996. Applications must be received no later than 5 p.m. in the Harrisburg Central Office of DCNR's Bureau of Recreation and Conservation. Applications received after this deadline will not be considered for funding. FAX submissions are not acceptable.

This eighth year of the Pennsylvania Heritage Parks Program is being implemented with an appropriation approved in the Commonwealth's 1996-1997 budget (Act 1A of 1996). It is the intent of the program to create a

system of State Heritage Parks that will preserve and interpret the significant contributions that certain regions of the Commonwealth have made to the industrial heritage of the State and Nation. The historic, cultural, natural, scenic and recreational resources within a Heritage Park area are inventoried, preserved, enhanced and promoted as a strategy to enhance regional economic development through the attraction of tourists, creation of new jobs, stimulation of small business growth, and the promotion of public and private investment opportunities. There are currently eight designated State Heritage Parks including the Allegheny Ridge State Heritage Park, the Delaware and Lehigh Canal Heritage Park Corridor, the Lackawanna Heritage Valley, the Lincoln Highway Heritage Corridor, the National Road Heritage Park, the Schuylkill Heritage Corridor, the Oil Heritage Region and the Rivers of Steel Heritage Area. Efforts are underway to determine the feasibility of establishing a Lumber Region Heritage Park in the Northcentral and Northwestern part of the State and to develop a management action plan for the Endless Mountains Heritage Area.

Designated State Heritage Parks are eligible to apply for grants to undertake heritage park management activities, special purpose studies and implementation projects. The Endless Mountains Heritage Area is eligible to apply for early implementation project grants in this grant round. Other regions wishing to participate in the Pennsylvania Heritage Parks Program may apply for feasibility study grants if they meet the following criteria:

- Must have a strong industrial theme based on one or more of the following industries—coal, oil, iron and steel, lumber, textile, transportation, machine and foundry and agriculture.
- Must be multicounty in size.
- Must have natural, cultural, historic, recreational and scenic resources of State or National significance.
- Have a broad-based public and private partnership and regional coalition supporting the project.
- Must demonstrate a local commitment and leadership capacity to undertake the initiative.

### *Program Manual/Application Forms*

The Pennsylvania Heritage Parks Program Manual provides more specific information on funding levels, program requirements and the application process for this round of funding. The program manual and application forms are available from DCNR. Since each project type has a specific set of application forms and instructions, please specify the type of project you're interested in when requesting application forms. The Program Manual, application forms and additional information about the program can be obtained from the Central Office of DCNR's Bureau of Recreation and Conservation in Harrisburg or from one of DCNR's Heritage Parks District Supervisors:

Tim Keptner, Chief, Heritage Parks Division, Bureau of Recreation and Conservation, Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, Room 555 Forum Building, Harrisburg, PA 17120, (717) 772-3839;

Allen Sachse, Supervisor, Eastern District—Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, Room 201, Samters Building, 101 Penn Avenue, Scranton, PA 18503-2025, (717) 963-4973;

Alan Chace, Supervisor, Western District—Pennsylvania Heritage Parks Program, Department of Conservation and Natural Resources, Room 576 Forum Building, Harrisburg, PA 17120, (717) 772-4361.

Persons with a disability who wish to submit an application for Pennsylvania Heritage Parks Program funding and require assistance with the application should contact Darrel J. Siesholtz at (717) 783-2661 to discuss how the Department may best accommodate their needs. TTY or TDD users call 1 (800) 654-5984.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 96-1638. Filed for public inspection September 27, 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 standard 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 comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

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

**PA 0055948.** Industrial waste, **Sun Refining and Marketing Company**, 1835 Market Street, Philadelphia, PA 19103.

This application is for amendment of an NPDES permit to discharge treated groundwater from a groundwater remediation system in Horsham Township, **Montgomery County**. This is an existing discharge to a storm sewer to Pennypack Creek.

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

The proposed amendment effluent limit for Outfall 001, based on an average flow of .0087 mgd is as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Manganese	monitor/report	monitor/report	monitor/report

The EPA waiver is in effect.

**PA 0050679.** Industrial waste, **NVF Company**, P. O. Box 0516, Lafayette and Mulberry Streets, Kennett Square, PA 19348.

This application is for renewal of an NPDES permit to discharge cooling water from the facility in Kennett Square Borough, **Chester County**. This is an existing discharge to west branch of Red Clay Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.36 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°
pH	within limits of 6.0—9.0 standard units at all times		

The proposed monitoring requirements for outfall 002, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
COD		monitor/report
CBOD <sub>5</sub>		monitor/report
Total Suspended Solids		monitor/report
Oil and Grease		monitor/report
Total Phosphorus		monitor/report
pH		monitor/report
Total Kjeldahl Nitrogen		monitor/report
Iron (Dissolved)		monitor/report
Aluminum		monitor/report
Magnesium		monitor/report
Molybdenum		monitor/report
Tin		monitor/report

The EPA waiver is in effect.

**PA 0025976.** Amendment No. 1, Sewage, **Upper Moreland-Hatboro Joint Sewer Authority**, P. O. Box 535, Willow Grove, PA 19090-0535.

This application is for an amendment of an NPDES permit to discharge treated sewage from sewage treatment plant, overflow from swirl concentrator and stormwater runoff from sewage treatment plant area in Upper Moreland Township, **Montgomery County**. This is an existing discharge to Pennypack Creek and unnamed tributary to Pennypack Creek.

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

The following changes have been made to the public notice of the draft permit published in the August 19, 1995 *Pennsylvania Bulletin* and to the notice of the final permit published in the February 2, 1996 *Pennsylvania Bulletin*:

The proposed effluent limits for Outfall 002, from the swirl concentrator overflow are as follows:

Parameter	Average		Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>	monitor/report	monitor/report	monitor/report
Suspended Solids	monitor/report	monitor/report	monitor/report
Ammonia (as N)	monitor/report	monitor/report	monitor/report
Total Residual Chlorine	monitor/report	monitor/report	monitor/report
Fecal Coliforms	monitor/report	monitor/report	monitor/report
Dissolved Oxygen	monitor/report	monitor/report	monitor/report
pH	monitor/report	monitor/report	monitor/report

The proposed instantaneous maximum limit for Ammonia-Nitrogen at Outfall 001 during the month of May is revised from 4 mg/l to 5 mg/l based on stream temperature and pH during summer season.

*Other Conditions.*

Requirement to submit a Short Term and Long Term Control Plan for elimination of or achievement of appropriate effluent limitations at Outfall 002 by January 4, 2006.

The EPA waiver is not in effect.

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

**PA 0204722.** Industrial waste, SIC: 4941, **Borough of Patton Water Treatment Plant**, 800 Fourth Avenue, Patton, PA 16668.

This application is for renewal of an NPDES permit to discharge process water from water treatment plant operations in Patton Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chest Creek, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Clearfield Borough Water Plant, located at the West Branch Susquehanna River, 36 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.105 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	6.0—9.0				

The EPA waiver is in effect.

**PA 0216500-A2.** Industrial waste, SIC: 3613, **Westinghouse Electric Corporation**, 11 Stanwix Street, Pittsburgh, PA 15222-1384.

This application is for amendment of an NPDES permit to discharge treated groundwater from Beaver Plant groundwater cleanup in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located on the Ohio River, 8.0 miles below the discharge point.

Outfall 001GW: existing discharge, design flow of 0.072 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.072				
Suspended Solids			20	40	
Trichloroethylene			0.02	0.04	
Manganese			2.0	4.0	
pH	6.0—9.0				

The EPA waiver is in effect.



**PA 0204510.** Sewage, **Carlton Motel and Restaurant**, R. D. 1, Box 94, Bentleyville, PA 15314.

This application is for renewal of an NPDES permit to discharge treated sewage from the Carlton Motel and Restaurant in Somers Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of North Branch Pigeon 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 PA-American Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.0013 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0205265.** Sewage, **Summerhill Borough Volunteer Fire Company**, 524 Main Street, Summerhill, PA 15958.

This application is for renewal of an NPDES permit to discharge treated sewage from the Summerhill Volunteer Fire Company STP in Summerhill Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Laurel Run, 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.

Design flow of .0015 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	monitor and report			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0096733.** Sewage, **Lance L. Safran**, 5800 Steele Road, Murrysville, PA 15668.

This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant View Mobile Home Park STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a high quality 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 Westmoreland Municipal Water Authority.

Outfall 001: existing discharge, design flow of .00315 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)	20,000/100 ml as a geometric mean			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	monitor and report			
1st month—36th month	1.4			3.3
37th month—expiration				
pH	6.0—9.0			

The EPA waiver is in effect.

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

**PA 0044041.** Industrial waste. **Corry Fish Culture Station**, Fish and Boat Commission, 1225 Shiloh Road, State College, PA 16801-8495.

This application is for renewal of an NPDES permit, to discharge treated industrial waste to South Branch French Creek and Spencer Creek in Wayne Township, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Borough of Cambridge Springs located at Cambridge Springs, approximately 38 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 1.78 mgd, are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10		20
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Chloramine-T	0.10		.25
Roccal-II	0.001		.0025
Formaldehyde	not detectable		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002, based on a design flow of 0.288 mgd, are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10		20
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Chloramine-T	0.11		.275
Roccal-II	0.00117		.003
Formaldehyde	not detectable		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0103152.** Sewage, **Walter W. Robertson, Jr.**, P. O. Box 921, 7470 Market Road, Fairview, PA 16415.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage from Hydro-Pac, Inc. to an unnamed tributary to Brandy Run in Fairview Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life 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 the Erie municipal water intake, approximately 22 miles below the point of discharge.

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

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
NH <sub>3</sub> -N (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine (interim)	monitor and report	
(final)	0.50	0.750
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 standard units at all times	

The EPA waiver is in effect.

**PA 0032531.** Sewage. DCNR—**Moraine State Park**, 225 Pleasant Valley Road, Portersville, PA 16051-9650.

This application is for a renewal of an NPDES permit to discharge treated sewage to Muddy Creek in Muddy Creek Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Salvation Army Camp on Slippery Rock Creek located at Camp Allegheny, Wayne Township, approximately 14.4 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.225 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)	15	30
(11-1 to 4-30)	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	5,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.6
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0043826.** Industrial waste, **United-Erie, Inc.**, 438 Huron Street, Erie, PA 16502.

This application is for the issuance of an industrial waste NPDES permit to discharge noncontact cooling water and stormwater runoff to the City of Erie storm sewer that discharges to Presque Isle Bay at the foot of Myrtle Street in the City of Erie, **Erie County**.

The receiving water is classified for warm water fish, aquatic life, water supply and recreation. There is no potable water supply affected by this discharge.

The proposed effluent limits, based on average design flow of 0.060 mgd, are:

*Outfall 101*

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow (mgd)		monitor only
Temperature (°F)		monitor only
Oil and Grease	15	30
pH	6.0—9.0 standard units at all times	

Outfalls 001, 002 and 003 (stormwater only):

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
Flow (mgd)		monitor only
Total Suspended Solids		monitor only
Aluminum		monitor only
Phosphorus		monitor only
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0102326.** Sewage. **Mercer—SCI Wastewater Treatment Plant**, R. D. 6, Box 6747, Mercer, PA 16137.

This application is for a renewal of an NPDES permit to discharge treated sewage to the Neshannock Creek in Findley Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River located at Beaver Falls, approximately 33 miles below point of discharge.

The proposed interim effluent limits for Outfall No. 001, based on a design flow of 0.104 mgd, are:

*Interim Limits*

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
TSS	30		60
Ammonia-Nitrogen	monitor and report		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	88,500/100 ml as a geometric average		
Total Residual Chlorine	monitor and report		
pH	6.0—9.0 at all times		

The proposed final effluent limits for Outfall No. 001, based on a design flow of 0.150 mgd, are:

*Final Limits*

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
TSS	30		60
Ammonia-Nitrogen (5-1 to 10-31)	18		36
(10-1 to 4-30)	25		30
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	77,400/100 ml as a geometric average		
Total Residual Chlorine	0.5		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0210668.** Amendment 1. Sewage. **Perseus House, Inc.**, 1946 W. 26th Street, Erie, PA 16508.

This application is for an amendment of an NPDES permit to discharge treated sewage to the unnamed tributary to Pine Hollow Run in Bloomfield Township, **Crawford County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 66 miles below point of discharge.

The proposed interim effluent limits for Outfall No. 001, based on a design flow of .0032 mgd, are:

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10		20
TSS	20		40

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

**PA 0043273.** Sewage, SIC: 4952, **Borough of Hollidaysburg**, 401 Blair Street, Hollidaysburg, PA 16648.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 6 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (5-1 to 10-31)	4			8
(11-1 to 4-30)	11			22
Total Copper	.062			.124
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	5,000/100 ml as a geometric average			

The proposed requirements for combined sewer Outfalls 002—005 are:

Develop and implement a "Plan of Action" to manage and control combined sewer overflows.

The EPA waiver is not in effect.

**PA 0083941.** Industrial waste, SIC: 4953, **Community Refuse Service, Inc.**, 142 Vaughn Road, Shippensburg, PA 17257.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Conodoguinet Creek, in Hopewell Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .100 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	from 6.0—9.0		
D.O.	minimum of 5.0 mg/l at all times		
Fecal Coliforms (5-1 to 9-30)	200		
(5-1 to 4-30)	100,000		
Total Suspended Solids	10	20	25
CBOD <sub>5</sub>	40	80	100
NH <sub>3</sub> -N (5-1 to 9-30)	10	20	25
(10-1 to 4-30)	30	60	75
Total Phosphorus	2.0	4.0	5.0
Oil and Grease	15		30
Total Arsenic	.050	.100	.125

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	.050	.100	.125
Total Zinc	1.0	2.0	2.5
Total Vanadium	.009	.018	.022
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Total Aluminum	.275	.550	.678
Total Barium	.100	.200	.250
Toluene	.050	.100	.125
2-Hexanone	.015	.030	.037
Acetone	.110	.200	.250
2-Butanone (MEK)	.210	.420	.525
Xylene	.010	.020	.025
Tetrahydrofuran	.025	.050	.0625
4-Methyl-2-Pentanone (MTK)	.015	.030	.037
Boron	monitor and report	monitor and report	
Total Dissolved Solids	monitor and report	monitor and report	

Stormwater monitoring and reporting requirements are in effect for Outfalls 002 through 006.

The EPA waiver is in effect.

**PA 0080632.** Industrial waste, SIC: 0161, **B & W Quality Grower, Inc.**, 1166 South Spring Garden Road, Carlisle, PA 17013.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Yellow Breeches, in Penn Township, **Cumberland County**.

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

The proposed best management practices and monitoring requirements for Outfall H-1 are:

B & W shall restrict pesticide usage at the Huntsdale Facility to:

Dipel  
Malathion  
Induce  
Safer Insecticidal Soap  
Neemix  
Kocide 101  
Roundup

B & W shall maintain a trout basin to serve as an aquatic indicator of potential flow-through of applied pesticides.

The EPA waiver is in effect.

**PA 0070211.** Industrial waste, SIC: 3324, **Post Precision Castings, Inc.**, P. O. Box A, Strausstown, PA 19559-0100.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 0.035 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
pH		7.0—9.0 s.u. inclusive	
Temperature		110°F	
Hexavalent Chromium	0.173	0.270	0.432
Total Copper	0.008	0.013	0.02
Total Zinc	0.269	0.420	0.672
Phenol	0.338	0.528	0.845
Total Lead	0.009	0.014	0.022
Total Silver	0.004	0.006	0.010
Oil and Grease	10.0	30.0	30.0
Total Suspended Solids	15.0	38.0	38.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cadmium	0.006	0.010	0.015
Total Chromium	1.71	2.77	4.27
Total Nickel	0.826	1.289	2.065
Total Cyanide	0.65	1.20	1.62
Total Toxics Organics (TTO)		2.13	

The EPA waiver is in effect.

**PA 0051683.** Industrial waste, SIC: 3339, **Axel Johnson Metals (Morgantown Facility)**, 215 Welsh Pool Road, Exton, PA 19341.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 0.0072 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 s.u. at all times		
Phosphorus	monitor and report		
Temperature	no higher than 110°F at all times		

Outfall 002 is a stormwater outfall. Monitoring requirements are included in Part A and Part C of this permit.

The EPA waiver is in effect.

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

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

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0081647	White Run Regional Municipal Authority 2001 Baltimore Gettysburg, PA 17325	Adams Mt. Joy	White Run	NH <sub>3</sub> N TRC

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PAG043558	Karen Harakal 1685 Route 143 Lenhartsville, PA 19534-9404	Berks Lenhartsville	UNT to Maiden creek	N/A
PA0084603	Fairmount Rest Home P. O. Box 563 Intercourse, PA 17534	Lancaster West Ear	Conestoga River	N/A
PA0035653	Dept. of Transportation Room 1112 Transportation and Safety Bldg. Harrisburg, PA 17120	Fulton Brush Creek Township	Unnamed Tributary to Brush Creek	N/A

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**Public Notice of the Renewal and Availability of NPDES General Permit No. PAG310001 for Discharges from Stripper Oil Well Facilities**

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The Department of Environmental Protection has renewed a National Pollutant Discharge Elimination System (NPDES) general permit for the controlled discharge of treated production fluids from primary recovery, gas drive and waterflooded stripper oil well facilities into surface waters of the Commonwealth.

This general permit applies specifically to discharges from primary recovery, gas drive and waterflood stripper oil well facilities located in the Commonwealth of Pennsylvania. Stripper oil wells produce 10 barrels per well per calendar day or less of crude oil. Operations using tertiary recovery methods such as thermal or chemical methods, and commercial, public or offsite centralized treatment facilities are excluded from coverage under this permit. The facilities affected by the general permit are included under 40 CFR Part 435 Subpart F—Stripper Subcategory and SIC Code 1311, *Crude Petroleum and Natural Gas*.

An abbreviated description of the conditions of the permit are as follows:

—The permit does not authorize discharges to waters classified as “Special Protection” as defined in 25 Pa. Code Chapter 93;

—The effluent limitations are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Total suspended solids, mg/l	30	60
Oil and Grease, mg/l	15	30
Total Iron, mg/l	3.5	7
Acidity, mg/l	less than alkalinity	
pH	within the limits of 6.0—9.0	
Flow, gpm	*	

\*The rate of discharge (in gallons per minute) shall not exceed the amount specified on the individual approval for each outfall. The maximum volume of discharge in a day that may be approved under this general permit is 1,000 gallons.

—The discharge shall not result in a violation of the water quality criteria prescribed in 25 Pa. Code Chapters 16 and 93 for the various designated uses of the receiving stream.

—The operator shall not add any water as dilution water in order to meet the effluent limits in the permit.

—Prior to commencing any discharge, a Part II Construction/Operation Permit under section 308 of the Clean Streams Law must be obtained.

Public notice of the draft renewed general permit was made in the *Pennsylvania Bulletin* on August 10, 1996. Comments on the draft renewed general permit were accepted until September 10, 1996.

Unless otherwise approved by the Department for submission at a later date, applications for coverage under the general permit are to be filed at least 180 days prior to start up and commencement of discharge.

The approval for coverage under the general permit for each outfall will be valid for 5 years from the date approved by the Department. If the general permit is not renewed, the approval for coverage will expire the same date as the general permit. Operators who desire to continue to discharge will need to obtain an individual NPDES permit.

Application forms may be obtained at either regional office of the Bureau of Oil and Gas Management at the following locations:

Dept. of Environmental Protection, NW Regional Office—Oil and Gas, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860; Dept. of Environmental Protection, SW Regional Office—Oil and Gas, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Completed applications should be submitted to the appropriate regional office. No application fee will be required for coverage under this general NPDES permit.



Each application for coverage will be reviewed for compliance with the terms of the general permit which includes verifying that the water quality standards of 25 Pa. Code Chapter 93 will not be violated. An individual approval will be issued to dischargers that qualify.

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

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

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

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

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

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

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

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

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

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

**NPDES Permit PAS10A075-1.** Stormwater. **Fore Systems Inc.**, 174 Thorn Hill Road, Warrendale, PA

15086-7535 has applied to discharge stormwater from a construction activity located in Marshall Township, **Allegheny County**, to Brush Creek.

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

**NPDES Permit PAS100237.** Stormwater. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476 has applied to discharge stormwater from a construction activity located in South Beaver Township, **Beaver County**, to UNT to Brush Run and the North Fork of Little Beaver.

*Bedford County Conservation District, District Manager, Fairlawn Ct., Ste. 4, 702 W. Pitt St., Bedford, PA 15522, telephone (814) 623-6706.*

**NPDES Permit PAS100411.** Stormwater. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 122 S. Center Street, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Broad Top Township, **Bedford County**, to Longs Run.

*Blair County Conservation District, District Manager, 1407 Blair Street, Hollidaysburg, PA 16648, telephone (814) 696-0877.*

**NPDES Permit PAS100614.** Stormwater. **Bruno DeGol Jr.**, The DeGol Organization, 3229 Pleasant Valley Boulevard, Altoona, PA 16602 has applied to discharge stormwater from a construction activity located in Frankstown Township, **Blair County**, to UNT to New Creek.

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

**NPDES Permit PAS10G225.** Stormwater. **Rouse/Chamberlin LTD**, 500 Exton Commons, Exton, PA 19341 has applied to discharge stormwater from a construction activity located in Schuylkill Township, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10G226.** Stormwater. **Township of Schuylkill**, 101 Valley Park Road, Phoenixville, PA 19460 has applied to discharge stormwater from a construction activity located in Schuylkill Township, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10G227.** Stormwater. **Krapf Homes Inc.**, 70 Sean Lane, Glenmoore, PA 19343 has applied to discharge stormwater from a construction activity located in Wallace Township, **Chester County**, to Pickering Creek.

**NPDES Permit No. PAS10G228.** Stormwater. **Glenn Plank**, 600 Taylor Road, Lionville, PA 19353 has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Shamona 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 protest or protests. Each commentator 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.

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

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

**A. 6396408.** Sewerage, **Ernest Peterson**, 559 Florence Drive, Bethel Park, PA 15102. Application for the construction and operation of a single residence sewage treatment plant located in the Township of Hanover, **Washington County** to serve the Peterson Residence.

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

**WQM Permit No. 1096409.** Sewerage, **Marshall Township Municipal Sanitary Authority**, P. O. Box 2063, Warrendale, PA 15086. This project is for the construction of the Thorn Hill Industrial Park Interceptor and elimination of the Windsor Manor Pump Station in Cranberry Township, **Butler County**.

**WQM Permit No. 1096408.** Sewerage, **Sylvan Springs Plan of Lots**, One PPG Place, 23rd Floor, Pittsburgh, PA 15222-5401. This project is for the relocation and expansion of the existing pump station to serve the Sylvan Springs Plan of Lots in Slippery Rock Borough, **Butler County**.

**WQM Permit No. 2496402.** Sewerage, **Dennis I. and Shirley Mitchell Young**, SRSTP, 14 Center Street, Ridgway, PA 15853. This project is for the construction of a single residence sewage treatment plant in Ridgway Township, **Elk County**.

**WQM Permit No. 6296409.** Sewerage, **Timothy J. Rossman and Amy L. Wright**, SRSTP, R. D. 1, Box 1612-B, Russell, PA 16345. This project is for the construction of a single residence sewage treatment plant in Pine Grove Township, **Warren County**.

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

**A. 0696409.** Sewerage, **William Morche**, 25B Douglas House, Douglassville, PA 19518 to construct a single family wastewater treatment plant in Pike Township, **Berks County** was received in the Southcentral Regional Office on September 6, 1996.

**A. 0696408.** Sewerage, **High Point Baptist Chapel**, P. O. Box 188, Geigertown, PA 19523 to construct a wastewater treatment plant in Robeson Township, **Berks County** was received in the Southcentral Regional Office on September 9, 1996.

**A. 0696407.** Sewerage, **Centre Township Municipal Authority**, 449 Bucks Hill Road, Mohrsville, PA 19541 to construct a sewage treatment plant in Centre Township, **Berks County** was received in the Southcentral Regional Office on September 9, 1996.

**A. 2296404.** Sewerage, **Peter and Susan Margie**, 1185 Fairmount Drive, Harrisburg, PA 17112 to construct a single family sewage treatment plant in East Hanover Township, **Dauphin County** was received in Southcentral Regional Office on September 9, 1996.

**A. 0696406.** Sewerage, **Cumru Township**, 1775 Welsh Road, Mohnton, PA 19540 to upgrade the Flying Hill Pump Station was received in the Southcentral Regional Office on August 15, 1996.

**A. 6796402.** Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319 to upgrade the Mulligan Drive Pump Station was received in the Southcentral Regional Office on August 14, 1996.

**A. 6796410.** Sewerage, **Springfield Township**, R. R. 2, Box 206, Seven Valleys, PA 17360 to construct a wastewater treatment plant in Springfield Township, **York County** was received in the Southcentral Regional Office on August 30, 1996.

**A. 2889426.** Sewerage, **Whitetail Resorts, L. P.**, 13805 Blairs Valley Road, Mercersburg, PA 17236 to expand their wastewater treatment plant in Montgomery Township, **Franklin County** was received in the Southcentral Regional Office on September 3, 1996.

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

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

**A. 1496502.** **Howard Borough**, 780 Black Street, Howard, PA 16841, **Howard Borough, Centre County**. Installation of chemical feed pump and containers—construction and operation of corrosion control system.

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

**A. 4396507.** Public water supply, **Farma Mobile Home Park**, 87 Hughey Road, Greenville, PA 16125. This proposal involves permitting and constructing a new well (known as well no. 4) in Perry Township, **Mercer County**.

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

**5496503.** Public water supply, **Ashland Regional Medical Center**, 101 Broad Street, Ashland, PA 17921. This proposal involves the addition of equipment to add a polyphosphate corrosion control chemical and to make a

change in the point of chlorination. *Engineer:* David A. Brinjac, P.E., 114 North Second Street, Harrisburg, PA 17101.

*Bureau of Water Supply and Community Health, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105, Contact Person Godfrey C. Maduka, telephone (717) 787-9037.*

**A. 9996427. Polar Corp.,** 40 Walcott Street, P. O. Box 15011, Worcester, MA 01615-0011; Leo Depasse, Quality Control Manager. Applicant requests a major permit amendment to use the Hillside Spring Water source located in Somers, Connecticut. Water from this source will be used to bottle their Silver Spring Pure Natural Spring Water.

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### Acknowledgment of Notices of Intent to Remediate

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (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 provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

*Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.*

**Ashland Chemical Company,** Freedom Borough, **Beaver County.** Ashland Chemical Company, P. O. Box 2219, Columbus, OH 43216, has submitted a Notice of Intent to Remediate for soil contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in

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

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

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

**Mafix, Inc.,** 15th and Harper Drive, West side of 15th and Harper Drive, Millcreek Twp., **Erie County,** has submitted a Notice of Intent to Remediate site soils and groundwater. The site has been found to be contaminated with heavy metals and solvents. The applicant proposes to remediate the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Morning News*.

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### Proposed Consent Order and Agreement

Oliver Site and RSR Jones Site  
Waterford Township and City of Erie, Erie County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has settled with Barney R. Radov (Radov) and RSR Investment Company (RSR) concerning the Department's

claims against them for the Oliver Site and the RSR Jones Site in Erie County, PA.

In the past, wastes containing hazardous substances were disposed at the Oliver Site and the RSR Jones Site. These hazardous substances have contaminated the soil, surface water, sediment and groundwater at each Site. Concerning the Oliver Site, the Department has incurred more than \$1 million in past costs, and it estimates that it will cost approximately \$3 million more to clean-up that Site. Concerning the RSR Jones Site, the Department has incurred at least \$348,000 in past costs, and it estimates that it will cost approximately \$1.5 million more to clean-up that Site. However, based upon Radov's and RSR's available assets, the Department has determined that Radov and RSR cannot pay for any substantial portion of the response costs at either Site. Accordingly, the Department has agreed to enter into a financial inability to pay settlement with Radov and RSR.

Under this settlement, Radov and RSR will pay \$155,150 in principal plus interest to the Hazardous Sites Cleanup Fund. RSR will also place a lien on the RSR Jones Site for \$348,000. The specific terms of this settlement are set forth in the Consent Order and Agreement between the Department and Radov and RSR.

The Department will receive and consider comments relating to the Consent Order and Agreement for 60 days from the date of this public notice. The Department may withdraw its consent if the comments disclose facts or considerations which indicate that this settlement is inappropriate, inadequate or not in the public interest. This settlement shall become final upon the filing of the Department's responses to any significant comments to the Consent Order and Agreement.

Copies of the Consent Order and Agreement are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Edward Orris, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Edward Orris at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 1 (800) 645-5984.

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

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

**The Pennsylvania State University**, 6 Eisenhower Parking Deck, University Park, PA 16802; License No. **PA-HC 0153**; Curtis S. Speaker, BioSafety Officer; application received September 13, 1996.

**Beneficial use requests approved under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.**

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

**Beneficial Use Request No. BU40030. Bark Camp Site, E & L Brokerage, Inc.** (R. D. 1, Box 455, Mor-

risdale, PA 16858). Facility is located in Huston Township, **Clearfield County**. Beneficial use of ash, from municipal waste-to-energy facilities, as components for grouts used in abandoned mine reclamation approved in the Regional Office on September 12, 1996.

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

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

**Permit I. D. No. 301085. Keystone Cement Company**, Route 329, Bath, PA 18014. A permit application for the repermitting of this existing Residual Waste Landfill, located in East Allen Township, **Northampton County**. The permit application was received on August 29, 1996, and was determined to be complete in the Regional Office on September 10, 1996.

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

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

**09-318-034A.** On August 14, 1996, an application was received from **3M Company** (P. O. Box 33331, St. Paul, MN 55133) for the modification of a dust collector located in Bristol Township, **Bucks County**.

**46-302-210GP.** On August 15, 1996, an application was received from **Wampler-Longacre, Inc.** (Route 113 and Allentown Road, Franconia, PA 18924) for the installation of a boiler to be located in Franconia Township, **Montgomery County**.

**09-399-041.** On August 15, 1996, an application was received from **Lockheed Martin Corporation** (P. O. Box 800, Mailstop 41B, Princeton, NJ 08543) for the construction of a satellite construction facility to be located in Newtown Township, **Bucks County**.

**09-328-010.** On August 16, 1996, an application was received from **PECO Energy** (2301 Market Street, S21-2, Philadelphia, PA 19101) for the construction of a landfill gas fired combustion unit to be located in Falls Township, **Bucks County**.

**46-302-211.** On August 27, 1996, an application was received from **Pottstown Memorial Medical Center** (1600 East High Street, Pottstown, PA 19464) for the construction of two dual-fuel heating boilers to be located in Pottstown Borough, **Montgomery County**.

**46-399-101A.** On September 6, 1996, an application was received to amend a previous application for **Brown Printing Company** (668 Gravel Pike, East Greenville, PA 18041) for eight lithographic printing presses located in Upper Hanover Township, **Montgomery County**.

**46-318-047.** On September 9, 1996, an application was received from **Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) for the modification of spray booths located in East Greenville Borough, **Montgomery County**.

**09-320-042.** On September 9, 1996, an application was received from **Scanforms, Inc.** (181 Rittenhouse Circle, Bristol, PA 19007) for the construction of a lithographic printing press to be located in Bristol Township, **Bucks County**.

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

**22-322-001.** Construction of a landfill gas extraction system by **Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061) in Washington and Upper Paxton Townships, **Dauphin County**.

**36-2013.** Construction of an air pollution control device by **Ogden Martin Systems, Inc.**, Lancaster County Solid Waste Management Authority, Resource Recovery Facility (1299 Harrisburg Pike, P. O. Box 4425, Lancaster, PA 17604) in Conoy Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart Cb, Standards of Performance for New Stationary Sources.

**36-313-073.** The Department intends to issue an Air Quality Operating Permit to **Sylvin Technologies, Inc.** (P. O. Box 308, Denver, PA 17517) for a vinyl compound production facility controlled by fabric collectors in East Cocalico Township, **Lancaster County**.

**31-310-025C.** Modification of the existing dry screening operation by **U. S. Silica Company** (Route 1, Box 1885, Mapleton Depot, PA 17052) in Brady Township, **Huntingdon County**.

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

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

**07-301-033.** The Department intends to issue an Air Quality Operating Permit to **Carn-Weaver Funeral Home** (2036 Broad Avenue, Altoona, PA 16601) for a human crematory controlled by an afterburner located in the City of Altoona, **Blair County**.

**29-303-002B.** The Department intends to issue an Air Quality Operating Permit to the **New Enterprise Stone & Lime Company, Inc.** (Rt. 484, Warfordsburg, PA 17267) for a bituminous concrete batch plant in Bethel Township, **Fulton County**.

**31-310-019E.** The Department intends to issue an Air Quality Operating Permit to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for their Tyrone fine crushing plant, which is controlled by wet suppression and two fabric collectors and is located in Warriors Mark Township, **Huntingdon County**. The sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**36-304-049B.** The Department intends to issue an Air Quality Operating Permit to **Grinnell Corporation** (1411 Lancaster Avenue, Columbia, PA 17512) for foundry casting and sand handling systems at their North Foundry in Columbia Borough, **Lancaster County**.

**36-304-055D.** The Department intends to issue an Air Quality Operating Permit to **Grinnell Corporation** (1411 Lancaster Avenue, Columbia, PA 17512) for the foundry casting, grinding and cleaning systems at their South Foundry in Columbia Borough, **Lancaster County**.

**36-304-074A.** The Department intends to issue an Air Quality Operating Permit to **Grinnell Corporation**

(1411 Lancaster Avenue, Columbia, PA 17512) for the foundry casting and sand handling systems at their North Foundry in Columbia Borough, **Lancaster County**.

**05-310-012B.** The Department intends to issue an Air Quality Operating Permit to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for a portable limestone crushing plant controlled by wet suppression at their Ashcom Quarry located in Snake Spring Valley Township, **Bedford County**.

**05-318-015A.** The Department intends to issue an Air Quality Operating Permit to **JLG Industries, Inc.** (JLG Drive, McConnellsburg, PA 17233-9533) for the Bedford Manlift production facility controlled by dry filters located in Bedford Township, **Bedford County**.

**22-318-021.** The Department intends to issue an Air Quality Operating Permit to the **Sherwin-Williams Company** (355 Eastern Drive, Harrisburg, PA 17111) for a powder coatings manufacturing facility in Swatara Township, **Dauphin County**.

**29-318-003A.** The Department intends to issue an Air Quality Operating Permit to **JLG Industries, Inc.** (JLG Drive, McConnellsburg, PA 17233-9533) for the McConnellsburg Manlift production facility controlled by dry filters located in Ayr Township, **Fulton County**.

**28-304-024B.** The Department intends to issue an Air Quality Operating Permit to **T. B. Wood's Incorporated** (440 North Fifth Avenue, Chambersburg, PA 17201) for a new shakeout controlled by an existing fabric filter collector in the Borough of Chambersburg, **Franklin County**.

**31-310-016C.** The Department intends to issue an Air Quality Operating Permit to **U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411) for a bulk sand storage and loading facility controlled by a fabric collector at their Keystone Plant in Brady Township, **Huntingdon County**. The sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**36-310-072.** The Department intends to issue an Air Quality Operating Permit to **Rohrer's Quarry, Inc.** (P. O. Box 365, Lititz, PA 17543) for a cone crusher and four belt conveyors controlled by a fabric filter collector in Warwick Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**67-310-001D.** The Department intends to issue an Air Quality Operating Permit to **York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for modification of an existing aggregate processing plant controlled by a fabric filter collector and wet suppression in West Manchester Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**65-307-080.** The Department intends to issue an Air Quality Operating Permit to **Latrobe Steel Company** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for a stress relief furnace at its Latrobe Plant located in Latrobe Borough, **Westmoreland County**.

**32-399-022.** The Department intends to issue an Air Quality Operating Permit to **CNG Producing Company** (303 Airport Professional Center, Indiana, PA 15701) for an engine and gas dehydrator at its Nesbit Compressor Station located in North Mahoning Township, **Indiana County**.

**63-308-036.** The Department intends to issue an Air Quality Operating Permit to **General Alloys, Inc.** (P. O. Box 1205, 135 West Wiley Avenue, Washington, PA 15301) for scrap aluminum remelt furnaces at its facility located in Canton Township, **Washington County**.

**32-305-032B.** The Department intends to issue an Air Quality Operating Permit to **Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728) for a breaker and loadout facility on the Wet Coal Prep Plant/Rotary at its Clymer Tipple located in Cherryhill Township, **Indiana County**.

**OP-03-197.** The Department intends to issue an Air Quality Operating Permit to **Nature's Blend Wood Products, Inc.** (P. O. Box 392, Ford City, PA 16226) for a cabinet door manufacturing process at its facility located in Ford City Borough, **Armstrong County**.

**56-307-001F.** The Department intends to issue an Air Quality Operating Permit to **FirstMiss Steel, Inc.** (P. O. Box 509, Hollsopple, PA 15935) for a baghouse on the oxygen converter at its Stony Creek Plant located in Quemahoning Borough, **Somerset County**.

**63-310-005.** The Department intends to issue an Air Quality Operating Permit to **Southwest Aggregates Corporation** (Route 980, Box 272, Robinson Highway, McDonald, PA 15057) for a railroad ballast processing facility at its Smith Township Site located in Smith Township, **Washington County**.

**63-000-110.** The Department intends to issue an Air Quality Operating Permit to **Corning Consumer Products Company** (HP-ME-01-B10, Corning, NY 14831) for a full gas/oxygen process on the glassware manufacturing process at its Charleroi Plant located in Charleroi Borough, **Washington County**.

**03-309-031.** The Department intends to issue an Air Quality Operating Permit to **Freeport Brick Company** (Drawer F, Freeport, PA 16229) for a #1 tunnel kiln at its Freeport facility located in Freeport Borough, **Armstrong County**.

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

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

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

Permit: **46-399-100**

Source: Two Jet Fuel Storage Tanks

Company: **Department of the Air Force**

Location: Horsham

County: **Montgomery**

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**43-303-005A.** The Department intends to issue an Air Quality operating permit to **Dunbar Asphalt Products, Inc.** (P. O. Box 477, Wheatland, PA 16161) for the operation of a dust collection system at Wheatland, **Mercer County**.

**10-307-051.** The Department intends to issue an Air Quality operating permit to **Armco, Inc., Butler Operations** (P. O. Box 832, Butler, PA 16003) for the operation

of a urea storage tank and distribution system for pickle lines no. 2 and no. 12 in Butler, **Butler County**.

**43-307-050.** The Department intends to issue an Air Quality operating permit to **Winner Steel Services, Inc.** (P. O. Box 1628, Sharon, PA 16146) for the operation of a new galvanizing line furnace at 277 Sharpsville Avenue, Sharon, **Mercer County**.

**37-309-048.** The Department intends to issue an Air Quality operating permit to **ESSROC Materials, Inc.** (P. O. Box 5250, Poland, OH 44514) for the operation of a fabric filter to the clinker transfer belt (750,000 tons/yr) in Bessemer, **Lawrence County**.

**10-313-049.** The Department intends to issue an Air Quality operating permit to **Mine Safety Appliances Company, Callery Chemical Company** (P. O. Box 429, Pittsburgh, PA 15230) for the operation of Building 44 Pilot Plant, in Forward Township, **Butler County**.

**25-313-048.** The Department intends to issue an Air Quality operating permit to **Mallinckrodt Chemical, Inc.** (1707 Gaskell Avenue, Erie, PA 16503) for the operation of copper and nickel dissolving reactors in Erie, **Erie County**.

**33-313-008.** The Department intends to issue an Air Quality operating permit to **Penngraph, Inc.** (R. D. 1, P. O. Box 227, Brookville, PA 15825) for the operation of three bake ovens at Brookville, **Jefferson County**.

**20-301-028.** The Department intends to issue an Air Quality operating permit to **Tedes Co. Gizzie Memorials, Inc.** (614 Baldwin St., Meadville, PA 16335) for the operation of a crematorium in Meadville, **Crawford County**.

**25-304-035A.** The Department intends to issue an Air Quality operating permit to **Urlick Foundry** (1501 Cherry St., P. O. Box 6027, Erie, PA 16152-6027) for the operation of a baghouse in Erie, **Erie County**.

**10-322-004.** The Department intends to issue an Air Quality operating permit to **Northwest Sanitary Landfill, Inc.** (1436 W. Sunbury Rd., West Sunbury, PA 16061) for the operation of a utility flare in Clay Township, **Butler County**.

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

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

**PA-04-468B. S. H. Bell Company** (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238) for a low carbon ferro chrome chrusher at its State Line Terminal facility located in Glasgow Borough, **Beaver County**.

**PA-56-264A. Svonavec, Inc.** (140 West Union Street, Somerset, PA 15501) for a coal crushing operation at its Milford Mine facility located in Milford Township, **Somerset County**.

**PA-65-078A. Hempfield Foundries Company** (P. O. Box 69, Greensburg, PA 15601) for dust collectors for the sand reclamation and shotblast operation at its facility located in Southwest Greensburg Borough, **Westmoreland County**.

**PA-03-198A. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) for a portable coal crusher at its Huskins Run Crusher facility located in Cowanshannock Township, **Armstrong County**.

**PA-04-061A. Calgon Corporation** (P. O. Box 391, Chem Road, Ellwood City, PA 16117) for a thermal oxidizer at its Ellwood City North Plant facility located in Franklin Township, **Beaver County**.

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

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

**OP-09-0041.** On August 23, 1996, an application was received from **Atlantic Greenhouses, Inc.** (P. O. Box 428, Pipersville, PA 18947) for the approval of Facility VOC/NOx RACT located in Plumstead Township, **Bucks County**.

**OP-23-0035.** On August 16, 1996, an application was received from **Community Light & Sound, Inc.** (333 East Fifth Street, Chester, PA 19013) for the approval of Facility VOCs/NOx RACT located in City of Chester, **Delaware County**.

**Notice of Plan Approval Application Minor Source**

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

*Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.*

The Department received plan approval applications from **West Allegheny Biomass Energy Corporation** (327 Winding Way, King of Prussia, PA 19406), in Marion Township, **Butler County** for construction of a wood fired combustion turbine facility including combustion turbine (12 MW electricity, 8 dry tons sawdust per hr) and sawdust handling system (20,000 tons of sawdust per quarter). This notice represents a change in location from the previously published notice.

**10-302-039.** Combustion Turbine.

**10-399-017.** Sawdust Handling System.

**43-329-002A.** The Department received a plan approval application for construction of two natural gas compressor engines and installation of a flare for control of emissions from two existing dehydrators by **Atlas Resources, Inc.** (311 Rouser Rd., Coraopolis, PA 15108), in Coolspring Township, **Mercer County**.

**MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief sum-



mary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

*Noncoal Applications Received*

**3172SM3. Georgetown Sand and Gravel, Inc.** (Third Street Extension, P. O. Box 127, Georgetown, PA 15043). Application received for transfer of permit from Dravo Basic Materials Company for a large noncoal (sand and gravel) site located in Greene Township, **Beaver County**, affecting 137 acres. Receiving streams Ohio River Basin. Application received September 12, 1996.

**63960301. Dick Enterprises, Inc.** (P. O. Box 10896, Pittsburgh, PA 15236). Application received for commencement, operation and reclamation of a noncoal surface mine (bottom ash removal) located in Hanover Township, **Washington County**, proposed to affect 33.2 acres. Receiving streams Aunt Clara Fork of Kings Creek and unnamed tributary of Kings Creek. Application received September 6, 1996.

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

**44960301. Sandy Bend Inc.,** (R. D. 1, Box 53, Belleville, PA 17004), commencement, operation and restoration of a noncoal surface mine (Waste Sand Stock Pile) operation in Bratton Township, **Mifflin County**, affecting 3.0 acres, receiving stream Juniata River. Application received August 30, 1996. (Stream variance included).

**01740401C2. Valley Quarries, Inc.,** (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit #PA0613045 in Hamiltonban Township, **Adams County**, receiving stream Muddy Run to Middle Creek. Application received September 5, 1996.

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

*Coal Applications Received*

**65910104R. M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**. Receiving streams unnamed tributary to Stony Run and McGee Run to the Conemaugh River. Renewal application received August 26, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**41870101. Fisher Mining Company** (901 Market Street, Williamsport, PA 17701), major permit modification to apply sewage sludge (biosolids) to enhance vegetation on an existing bituminous surface mine permit, Pine Township, **Lycoming County**, affecting 91 acres, application received August 27, 1996.

**41920101. Fisher Mining Company** (901 Market Street, Williamsport, PA 17701), major permit modification to apply sewage sludge (biosolids) to enhance vegetation on an existing bituminous surface mine permit, Pine Township, **Lycoming County**, affecting 177 acres, application received August 27, 1996.

**17960115. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), commencement, operation and res-

toration of a bituminous surface mine permit in Girard Township, **Clearfield County** affecting 37.1 acres, receiving streams unnamed tributaries to west branch Susquehanna River, application received September 4, 1996.

**17900116. Whitetail Mining and Reclamation Co., Inc.** (15 1/2 North Front Street, Clearfield, PA 16830), transfer of an existing bituminous surface mine permit from Doverspike Bros. Coal, Brady Township, **Clearfield County** affecting 291 acres, receiving streams Stump Creek, unnamed tributary to east branch of Mahoning Creek; then east branch Mahoning Creek, application received September 10, 1996.

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

**35910101R. John Popple Trucking,** (202 Main Street, Laflin, PA 18702), renewal of an existing anthracite surface mine operation in Fell Township, **Lackawanna County** affecting 425.0 acres, receiving stream Wilson Creek. Application received August 28, 1996.

**40810108T. Pioneer Aggregates, Inc.,** (202 Main Street, Laflin, PA 18702), transferred from John Popple Trucking in Plains Township, **Luzerne County**, affecting 82.0 acres, receiving stream Susquehanna River. Application received August 28, 1996.

**40940101T. Pioneer Aggregates, Inc.,** (202 Main Street, Laflin, PA 18702), transferred from John Popple Trucking in Laflin Borough and Plains Township, **Luzerne County**, affecting 117.0 acres, receiving stream Gardner Creek. Application received August 28, 1996.

**35910101T. Pioneer Aggregates, Inc.,** (200 Main Street, Laflin, PA 18702), transfer of an existing anthracite surface mine operation from John Popple Trucking in Fell Township, **Lackawanna County** affecting 425.0 acres, receiving stream Wilson Creek. Application received August 28, 1996.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) 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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*Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E39-318.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To remove the existing steel superstructure and three stone piers from the former Lehigh Valley Railroad Station, and to construct and maintain channel improvements consisting of stone bank stabilization for the purpose of improving flow characteristics. The project is located within an 80-foot reach of Jordan Creek (CWF), immediately downstream (south) of the Hamilton Street Bridge (Allentown East, PA Quadrangle N: 19.0 inches; W: 12.5 inches), in the City of Allentown, **Lehigh County** (Philadelphia District, Army Corps of Engineers). This project was previously authorized by Permit No. E39-163.

**E40-450.** Encroachment. **Luzerne County Redevelopment Authority**, 16 Luzerne Avenue, West Pittston, PA 18643. To construct and maintain a single-span railroad bridge, having a span of 34.2 feet and an underclearance of 16.8 feet, across Laurel Run (CWF). The bridge will be constructed at the location of the previously existing structure, which was damaged by flooding and subsequently removed. The project is located approximately 1,400 feet south of George Avenue (Pittston, PA Quadrangle N: 1.2 inches; W: 13.8 inches), in the City of Wilkes-Barre, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**E40-451.** Encroachment. **James and Nancy Ballard**, P. O. Box 949, Conyngham, PA 18219. To place fill in approximately 0.10 acre of wetlands within the drainage basin of Nescopeck Creek (HQ-CWF) for the purpose of grading in preparation for commercial development. The project is located on two adjacent parcels totalling 2.55 acres of land, at the southeast corner of the intersection of S. R. 0080 and S. R. 0309 (Freeland, PA Quadrangle N: 9.5 inches; W: 11.5 inches), in Butler Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**E45-304.** Encroachment. **West End Fire Company**, HCR 1, Box 20, Brodheadsville, PA 18322. To construct and maintain a 6 inch PVC water intake structure in an offstream pond along McMichael Creek (EV) to be used as a dry hydrant for fire protection. The project is located on the east side of S. R. 0715, approximately 800 feet south of its intersection with S. R. 3026 (Brodheadsville, PA Quadrangle N: 18.8 inches; W: 3.4 inches) in Chestnuthill Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E48-239.** Encroachment. **Department of Transportation Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing structure and to construct and maintain an 18-foot x 5-foot dual cell precast concrete box culvert in an unnamed tributary to Little Bushkill Creek (HQ, CWF; MF). The project is located along S. R. 0512, Section 01B at station 695 + 97, approximately 0.2 mile northeast of its intersection with S. R. 0033 (Wind Gap, PA Quadrangle N: 15.5 inches; W: 6.5 inches) in Wind Gap Borough and Plainfield Township, **Northampton County** (Philadelphia District, Army Corps of Engineers).

**E64-174.** Encroachment. **Department of Transportation Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 65 feet and an

underclearance of 18 feet on a 70° skew over west branch of the Lackawaxen River (HQ-CWF). This project is located along S. R. 0170, Section 672, immediately south of T-611 (Orson, PA Quadrangle N: 17.1 inches; W: 5.6 inches) in Mount Pleasant Township, **Wayne County** (Philadelphia District, Army Corps of Engineers).

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

**E15-523.** Encroachment. **Anthony Dambro**, 449 Bayard Road, Kennett Square, PA 19348. To construct and maintain a stormwater management facility on an unnamed tributary to Pocopson Creek (TSF, MF) impacting approximately 0.23 acre of wetlands associated with the proposed Wickersham Subdivision located 3,000 feet northwest of the intersection of Doe Run Road and Folly Hill Road (Unionville, PA Quadrangle N: 2.0 inches; W: 4.65 inches) in East Marlborough Township, **Chester County**.

**E23-351.** Encroachment. **U. S. Department of Transportation & Federal Aviation Administration**, FAA Building, Hog Island Road, Philadelphia International Airport, Philadelphia, PA 19153. To expand the Federal Aviation Administration's Air Traffic Control Tower at the Philadelphia International Airport which is located in the 100 year floodplain of the Delaware River. The site is located approximately 6,000 feet southwest of Fort Mifflin, (Woodbury, NJ-PA Quadrangle N: 20.75 inches; W: 15.00 inches) in Tinicum Township, **Delaware County**.

*DEP Central Office, Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

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

**EA36-008C0.** Environmental Assessment. **R. R. Donnelly & Sons**, 391 Steel Way, Lancaster, PA 17601. To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Little Conestoga Creek (WWF) impacting approximately 0.48 acre of wetlands (PEM) for the purpose of stormwater management at the proposed Red Rose Commons retail center located approximately 1,700 feet southwest of the intersection of U. S. Route 30 and Fruitville Pike (S. R. 4011) (Lancaster, PA Quadrangle N: 12.30 inches; W: 10.15 inches) in the City of Lancaster, **Lancaster County**.

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**Applications filed under the act of June 24, 1939 (P. L. 824, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA48-1003.** Water allocation. **East Allen Township Municipal Authority**, 5344 Nor-Bath Blvd., Northampton, PA 18067. This proposal involves permitting the Authority the right to purchase up to 100,000 gallon per day, as a 30-day average, from the City of Bethlehem. *Engineer:* Kay D. Huston, Hanover Engineering Associates, Inc., 3897 Adler Place, Suite 350, Bethlehem, PA 18017-9000.

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## ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—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.

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

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#### *Permits Issued*

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

**NPDES Permit No. PA0203963.** Industrial waste, **Washington Penn Plastics Co., Inc.**, Route 136, P. O. Box 4543, Eighty-Four, PA 15330 is authorized to discharge from a facility located at Performance Division, South Strabane Township, **Washington County** to unnamed tributary to Little Chartiers Creek.

**NPDES Permit No. PA0027464.** Sewage, **Pleasant Hills Authority**, 410 East Bruceton Road, Pittsburgh, PA 15236 is authorized to discharge from a facility located at The Pleasant Hills Wastewater Treatment Plant, South Park Township, **Allegheny County** to Lick Run.

**NPDES Permit No. PA0036293.** Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244 is authorized to discharge from a facility located at Campbells Run STP, Robinson Township, **Allegheny County** to Campbells Run.

**NPDES Permit No. PA0093050.** Sewage, **Burrell Township Sewer Authority**, P. O. Box 454, Black Lick, PA 15716 is authorized to discharge from a facility located at Blacklick Sewage Treatment Plant, Burrell Township, **Indiana County** to Blacklick Creek.

**NPDES Permit No. PA0098256.** Sewage, **Allyn J. Willner, Jr.**, 211 Seik Road, Washington, PA 15301 is authorized to discharge from a facility located at Allyn J. Willner, Jr. Single Residence Sewage Treatment Plant, Chartiers Township, **Washington County** to unnamed tributary of Chartiers Creek.

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

**NPDES Permit No. PA 0020095.** Industrial waste, **Thomas & Betts Corporation**, Reznor Division, 150 McKinley Avenue, Mercer, PA 16137 is authorized to

discharge from a facility located in Mercer Borough, **Mercer County** to Otter Creek (Outfall 003) and Munnell Run (Outfalls 001, 002, 004—008).

**NPDES Permit No. PA 0222071.** Sewage, **Bruce W. and Cynthia A. Baker**, 316 South High Street, Zelenople, PA 16063 is authorized to discharge from a facility located in Perry Township, **Lawrence County** to Camp Run.

**NPDES Permit No. PA 0005622.** Sewage, **Bessemer and Lake Erie Railroad Company**, 135 Jamison Lane, P. O. Box 68, Monroeville, PA 15146 is authorized to discharge from a facility located in Hempfield Township, **Mercer County** to the Shenango River.

**NPDES Permit No. PA0222038.** Sewage, **Robert B. Pangallo**, R. D. 1, Box 51A, Route 36, Sigel, PA 15860 is authorized to discharge from a facility located in Barnett Township, **Jefferson County** to an unnamed tributary to Cather(s) Run.

**NPDES Permit No. PA00104507.** Sewage, **Keith and Debra Palumbo**, 3600 Hubbard West Middlesex Road, West Middlesex, PA 16159 is authorized to discharge from a facility located in Shenango Township, **Mercer County** to an unnamed tributary to Shenango River.

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

**NPDES Permit No. PA0084387.** Industrial waste, **Akzo Nobel Salt, Inc.**, Abington Executive Park, P. O. Box 352, Clarks Summit, PA 18411-0352 is authorized to discharge from a location in Reading City, **Berks County** to the receiving waters named Schuylkill River.

**NPDES Permit No. PA0086886.** Industrial waste, **Lancaster Environmental Foundation**, c/o LCSWMA, 1299 Harrisburg Pike, P. O. Box 4425, Lancaster, PA 17604-4425 is authorized to discharge from a location in Cornwall Borough, **Lebanon County** to the receiving waters named Snitz Creek.

**NPDES Permit No. PA0087408.** Sewerage, **Midway Lodgings, Incorporated**, (Comfort Inn), P. O. Box 6, Bethel, PA 19507 is authorized to discharge from a location in Bethel Township, **Berks County** to the receiving waters of an unnamed tributary of Little Swatara Creek.

**NPDES Permit No. PA0030597.** Sewerage, **Letterkenny Army Depot**, Attn: SDSLE-EN/Bldg. 618, Chambersburg, PA 17201-4150 is authorized to discharge from a location in Letterkenny Township, **Franklin County** to the receiving waters named Rocky Spring Branch.

**NPDES Permit No. PA0087564.** Sewerage, **Donald and Linda Yingling**, 3574 Taneytown Road, Gettysburg, PA 17325 is authorized to discharge from a location in Cumberland Township, **Adams County** to the receiving waters of an unnamed tributary of Plum Run.

**NPDES Permit No. PA0051829.** Sewerage, **Schuylkill Valley School District**, R. R. 2, Box 2165, Leesport, PA 19533-0915 is authorized to discharge from a location in Ontelaunee Township, **Berks County** to the receiving waters named Maiden Creek.

**NPDES Permit No. PA0080471.** Sewerage, **DeCoven Facilities**, 1909-3 State Road, Duncannon, PA 17020 is authorized to discharge from a location in Penn Township, **Perry County** to the receiving waters of an unnamed tributary to the Susquehanna River.

**NPDES Permit No. PA0084263.** Sewerage. **Kenneth E. Heckman**, 265 West Burkhart Avenue, Chambersburg, PA 17201 is authorized to discharge from a location in Hamilton Township, **Franklin County** to the receiving waters named Dennis Creek.

**NPDES Permit No. PA0052400.** Sewerage. **Harold A. Spatz**, 552 Irish Creek Road, Mohrsville, PA 19541-9611 is authorized to discharge from a location in Centre Township, **Berks County** to the receiving waters named Irish Creek.

**NPDES Permit No. PA0081311.** Sewerage. **South Londonderry Township Municipal Authority**, Municipal Building, Box 3, Campbelltown, PA 17010-0003 is authorized to discharge from a location in South Londonderry Township, **Lebanon County** to the receiving waters named Conewago Creek.

**NPDES Permit No. PA0008893.** Industrial waste. **Westvaco Corporation**, 1600 Pennsylvania Avenue, Tyrone, PA 16686 is authorized to discharge from a location in Tyrone Borough, **Blair County** to the receiving waters named Bald Eagle Creek.

**NPDES Permit No. PA0080209.** Sewerage. **South Middleton Township Municipal Authority**, P. O. Box 8, Boiling Springs, PA 17007-0008 is authorized to discharge from a location in South Middleton Township, **Cumberland County** to the receiving waters named Yellow Breeches Creek.

**NPDES Permit No. PA0087319.** Industrial waste. **Petroleum Products Corporation**, P. O. Box 2621, Harrisburg, PA 17105 is authorized to discharge from a location in Sinking Springs, **Berks County** to the receiving waters named Cacoosing Creek.

**NPDES Permit No. PA0044521.** Sewerage. **Letterkenny Army Depot**, Attn: SDSLE-EN/Bldg. 618, Chambersburg, PA 17201 is authorized to discharge from a location in Letterkenny Township, **Franklin County** to the receiving waters named Dennis Creek.

**NPDES Permit No. PA0024902.** Sewerage. **Upper Allen Township Board of Commissioners**, 100 Gettysburg Pike, Mechanicsburg, PA 17055 is authorized to discharge from a location in Upper Allen Township, **Cumberland County** to the receiving waters named Yellow Breeches Creek.

**NPDES Permit No. PA0022233.** Sewerage. **Arendtsville Municipal Authority**, P. O. Box 181, Arendtsville, PA 17303-0508 is authorized to discharge from a location in Arendtsville Borough, **Adams County** to the receiving waters named Conewago Creek.

**NPDES Permit No. PA0087351.** Industrial waste. **New Enterprise Stone and Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664 is authorized to discharge from a location in Frankstown Township, **Blair County** to the receiving waters of an unnamed tributary to New Creek.

**NPDES Permit No. PAG043548.** Sewerage. **Marcy Woods**, 167 Geiger Road, Douglassville, PA 19518 is authorized to discharge from a location in Amity Township, **Berks County** to an unnamed tributary to Monocacy Creek.

**NPDES Permit No. PA0027022.** Sewerage. **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602 is authorized to discharge from a location in Allegheny Township, **Blair County** to the receiving waters named Beaverdam Branch.

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#### Notices of Intent for Coverage Under NPDES General Permits and Department Final Actions

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The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

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 an 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 procedure before the Board may be obtained from the Board.

#### List of NPDES General Permits Issued by DEP's Water Management Deputate

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
2	SW—Construction	BLWC
3	SW—Industrial	BWQM
4	SRSTP	BWQM
6	CSO	BWQM

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

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Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters runoff to waters of the Commonwealth. *Southeast Regional Office, Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR800064	3	BFI—Port Richmond 3000 East Hedley Street Philadelphia, PA 19137	Philadelphia City of Philadelphia	Frankford Creek	4212

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR600012	3	Morello, Inc. 401 East Wood Street Norristown, PA 19401	Montgomery Norristown Borough	Sawmill Run	5015
PAR800033	3	SEPTA Allegheny Garage 27th and Allegheny Philadelphia, PA 19129	Philadelphia City of Philadelphia	Schuylkill River	4111
PAR200013	3	Riddle Valley Industrial Park Hollow Hill Road Glen Riddle, PA 19037	Delaware Aston Township	East and West Branch Chester Creek	3411
PAR800030	3	ABF Freight System, Inc. 2704 Market Street Aston, PA 19014	Delaware Upper Chichester Twp.	Delaware River	4213
PAR120005	3	Rosenberger's Dairies, Inc. 2900 Oxford Valley Road Levittown, PA 19057	Bucks Bristol Twp.	Mill Creek	2026
PAR800020	3	Browning Ferris, Inc.—Brandywine Route 796 and Briar Lane West Grove, PA 19390	Chester Penn Township	Unnamed Tributary to White Clay Creek	4212
PAR600035	3	BFI—King of Prussia Recyclery 215 East DeKalb Pike King of Prussia, PA 19406	Montgomery Upper Merion Township	Frog Run	5093
PAR120017	3	Heinz USA 250 Hansen Access Road King of Prussia, PA 19406	Montgomery Upper Merion Twp.	Abrams Run	2038
PAR600039	3	Morris Iron and Steel Company 7345 Milnor St. Philadelphia, PA 19136	Philadelphia City of Philadelphia	Delaware River	5093
PAR230019	3	ICI Fluoropolymers 225 South Bailey Road Thorndale, PA 19372	Chester Caln Township	Valley Run	3079
PAR600037	3	Tube City 3 South Steel Road Morrisville, PA 19067	Bucks Falls Township	Biles Creek	5093
PAR200031	3	Modena Foundry Company Union Street Modena, PA 19358	Chester Borough of Modena	West Branch of Brandywine Creek	3821
PAR130011	3	National Label Company 2025 Joshua Road Lafayette Hill, PA 19444	Montgomery Whitemarsh Twp.	Unnamed Tributary to Schuylkill River	2759
PAR600041	3	Luria Brothers South First Avenue Coatsville, PA 19320	Chester City of Coatesville	Brandywine River	5093
PAR130004	3	Imperial Metal and Chemical Company 2050 Byberry Road Philadelphia, PA 19116	Philadelphia City of Philadelphia	Byberry Creek	2796
PAR210016	3	Fluid Energy Processing and Equipment Company 4th and State Road East Greenville, PA 18041	Montgomery East Greenville Borough	Perkiomen Creek	3295
PAR210019	3	Resco Products, Inc. 1302 Conshohocken Road Norristown, PA 19404	Montgomery Plymouth Township	Schuylkill River	3297
PAR230013	3	Esschem Company Governor Printz Blvd. & Wannamaker Avenue Essington, PA 19029	Delaware Tinicum Township	Delaware Estuary	2821

## NOTICES

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<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR140010	3	Jefferson Smurfit Corporation Container Corporation of America 100 McDonald Boulevard Aston, PA 19014	Delaware Chester Township	Chester Creek	2653
PAR600016	3	Philmont Motor Company 2525 Bridgetown Pike Feasterville, PA 19053	Bucks L. Southampton Township	Neshaminy Creek	5015
PAR900003	3	PECO Energy Croydon Generating Station 955 River Road Bristol, PA 19020	Bucks Bristol Township	Delaware River	4911
PAR900006	3	PECO—Falls Substation Old Route 13 Falls Township, PA 19067	Bucks Falls Township	Pennsylvania Canal	4911
PAR800068	3	United Parcel Service 700 Blair Mill Road Horsham, PA 19044	Montgomery Horsham Township	Pennypack Creek	4215
PAR800069	3	CF Motor Freight—CTP 400 Turner Industrial Way Aston, PA 19014	Delaware Aston Township	Baldwin Run	4213
PAR800055	3	CF Motor Freight—PHL 2625 East Castor Avenue Philadelphia, PA 19134	Philadelphia City of Philadelphia	Delaware River	4213
PAR140013	3	Jefferson Smurfit Corporation Container Corporation of America 1035 Longford Road Phoenixville, PA 19460	Montgomery Upper Providence Township	Park Creek	2821
PAR130006	3	Moore Business Forms and Systems Division 100 American Drive Quakertown, PA 18951	Bucks Richland Township	Tohickon Creek	2761
PAR600010	3	Junkman Inc. T/A Martins Auto Salvage 898 Fernhill Road West Chester, PA 19380	Bucks Bedminister Twp.	Tohickon Creek	5015
PAR800021	3	Waste Automation 2505 Old Rodgers Road Bristol, PA 19007	Bucks Bristol Twp.	Neshaminy Creek	4953
PAR800041	3	TRC Transfer Station 2904 South Delaware Avenue Philadelphia, PA 19148	Philadelphia City of Philadelphia	Delaware River	4212
PAR120007	3	Rosenbergers Diaries, Inc. 209 Carter Drive West Chester, PA 19382	Chester West Goshen Twp.	Goose Creek	2026
PAR230051	3	Foamex International, Inc. 1500 East Second Street Eddystone, PA 19022	Delaware Borough of Eddystone	Delaware River	3086

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG066121	6	City of Arnold 1829 Fifth Avenue Arnold, PA 15068	Westmoreland City of Arnold	Allegheny River	4952

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

NPDES No.	Applicable GP No.	Facility Name and Address	Facility Location	Stream Name	SIC
PAG048393	PAG-4	Robert and Shirley Rathmann 8921 Prindle Rd. North East, PA 16428	Erie Greenfield Twp.	Seven Mile Creek	
PAG048389	PAG-4	Charles W. Hice R. D. 1, Box 1392 Egypt Hollow Rd. Russell, PA 16345	Warren Glade Twp.	Widdlefield	
PAG048394	PAG-4	Anthony and Julia Milliner 330 Hatch Run Rd. Warren, PA 16365	Warren Glade Twp.	Hatch Run	
PAG048400	PAG-4	FNB Consumer Discount Co. 422 N. Center St. Corry, PA 16407	Warren Spring Creek Twp.	Brokenstraw Creek	
PAR808360	PAG-3	Waste Management of Midwestern PA 1436 West Sunbury Rd. West Sunbury, PA 16061	Butler Clay Township	South Branch of the Slippery Rock Creek	4212
PAR208350	PAG-3	US Can Company 1902 Old Butler Rd. New Castle, PA 16101	Lawrence Shenango Twp.	Big Run	3471
PAR508303	PAG-3	Seneca Landfill Inc. P. O. Box 847 Mars, PA 16046	Butler Jackson Twp.	Unnamed Tributary to Connoquenessing Creek	4953

Southcentral Regional Office, Water Management Program Manager, One Ararat Blvd., Harrisburg, PA 17110-9333, telephone (717) 657-4590.

NPDES No.	Applicable GP No.	Facility Name and Address	Facility Location	Stream Name	SIC
PAR233530	3	Lower Allen Twp. Hwy. Bldg. 1400 S. St. John's Rd. Camp Hill, PA 17011	Cumberland Lower Allen Twp.	Cedar Run	2875
PAR143519	3	United Corrstack, Inc. 720 Laurel St. Reading, PA 19602	Berks Reading City	Schuylkill River	2621
PAR233529	3	Warner Lambert Co. 400 W. Lincoln Ave. Lititz, PA 17543	Lancaster Lititz Borough	UNT to Lititz Run	2834
PAR233528	3	Lebanon Industrial Film 240 N. Lincoln Ave. Lebanon, PA 17042	Lebanon City of Lebanon	Quittapahilla Creek	3089
PAG	043559	William Morche 25 Douglas House Douglassville, PA 19518	Berks Pike	Pine Creek	4952
PAG	043560	Peter and Susan Margie 1185 Fairmount Drive Harrisburg, PA 17112	Dauphin East Hanover	White Run	4952

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

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

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

**PAS-10-0055.** Individual NPDES. **Soco Enterprises Company**, 1330 Charlestown Road, Phoenixville, PA 19460. To implement an Erosion and Sedimentation Control Plan for the Millcreek Estates residential development on 61 acres in East Earl and Earl Township, **Lancaster County**. The project is located along the south side of Airport Road, about 800 feet west of Ranck Road (New Holland, PA Quadrangle N: 17.3 inches; W: 8.6 inches). Drainage will be to Mill Creek.

**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-G212	West Vincent Township P. O. Box 163 Birchrunville, PA 19421	West Vincent Twp. Chester County	Pickering Creek Delaware River Basin and Schuylkill River
PAS10-G213	Downingtown Area School District 122 Wallace Avenue Downingtown, PA 19355	Downingtown Borough Chester County	Shamona Creek

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

*Permits Issued*

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

**Permit No. 4096402.** Sewerage. **Mountaintop Area Joint Sewer Authority**, Morio Drive, R. R. 4, Mountaintop, PA 18707. Permit to construct and operate sewers and appurtenances, including repair and replacement, to serve Harris Semiconductor/Bow Creek Manor, located in Fairview Township, **Luzerne County**.

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

**Permit No. 0295201.** Industrial waste, **Moon Township Municipal Authority**, 1000 Beaver Grade Road, Coraopolis, PA 15108. Construction of a filter backwash wastewater treatment system located in the Township of Moon, **Allegheny County** to serve the Moon Township Municipal Authority Water Filtration Plant.

**Permit No. 2696202.** Industrial waste, **North Fayette County Municipal Authority**, University Drive, Ranch Road, Box 368, Dunbar, PA 15431. Construction of a wastewater treatment plant located in the Township of Dunbar, **Fayette County** to serve the Wheeler Bottom Water Treatment Plant.

**Permit No. 2693405.** Sewerage, **Perryopolis Area Joint Authority**, P. O. Box 298, Perryopolis, PA 15473. Construction of replacement of existing collector and interceptor sanitary sewer segments located in the Borough of Perryopolis, **Fayette County** to serve the Perryopolis Borough.

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

**WQM Permit No. 3796405.** Sewage. **Bruce W. and Cynthia A. Baker**, 316 South High Street, Zelenople, PA 16063. This project is for the construction of a proposed small flow wastewater treatment facility in Perry Township, **Lawrence County**.

**WQM Permit No. 3396401.** Sewerage, **Robert B. Pangallo**, SRSTP, R. D. 1, Box 51A, Route 36, Sigel, PA

15860. Construction of Robert B. Pangallo SRSTP located in Barnett Township, **Jefferson County**.

**WQM Permit No. 6296404.** Sewerage, **Charles W. Hice**, SRSTP, R. D. 1, Box 1392, Russell, PA 16345. Construction of Charles W. Hice SRSTP located in Glade Township, **Warren County**.

**WQM Permit No. 6296408.** Sewerage, **Anthony and Julia Milliner**, SRSTP, 330 Hatch Run Rd., Warren, PA 16365. Construction of Anthony and Julia Milliner SRSTP located in Glade Township, **Warren County**.

**WQM Permit No. 2596409.** Sewerage, **Robert and Shirley Rathmann**, SRSTP, 8921 Prindle Rd., N. East, PA 16428. Construction of Robert and Shirley Rathmann SRSTP located in Greenfield Township, **Erie County**.

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

**Part II Permit No. 0691420-T1.** Amendment No. 1. **Joseph and Janet Sherkness**, 430 Elm Street, Pottstown, PA 19464. Modification to the construction/operation of sewage treatment facilities located in Douglass Township, **Berks County**.

**Part II Permit No. 2891403-T1.** **Kenneth E. Heckman**, 265 West Burkhart Avenue, Chambersburg, PA 17201. The construction/operation of sewage treatment facilities in Hamilton Township, **Franklin County**.

**Part II Permit No. 0696405.** **Midway Lodgings, Incorporated**, P. O. Box 6, Bethel, PA 19507. The construction/operation of sewage treatment facilities in Bethel Township, **Berks County**.

**Part II Permit No. 0196405.** **Donald and Linda Yingling**, 3574 Taneytown Road, Gettysburg, PA 17325. The construction/operation of sewage treatment facilities located in Cumberland Township, **Adams County**.

**Part II Permit No. 3896403.** **City of Lebanon Municipal Building**, 400 South Eighth Street, Room 220, Lebanon, PA 17042. Modifications to the construction/operation of sewage treatment facilities in North Cornwall Township, **Lebanon County**.

**Part II Permit No. 0796402.** **Allegheny Township Sewer and Water Authority**, 3131 Old Sixth Avenue Road, North, Duncansville, PA 16635. The construction/operation of sewers and appurtenances in Allegheny Township, **Blair County**.

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

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

*Location:* Heritage Heights residential subdivision, .5 mile west of the intersection of State Route 100 (TR 100)

<i>Phase</i>	<i>Units</i>	<i>Gallons</i>	<i>Year</i>
1	206	63,000 gpd	1997—2001
2	92	27,600 gpd	2002—2004
3	56	16,800 gpd	2005—2006
4	20	6,000 gpd	2007
5	6	1,800 gpd	2008

The proposed 115,200 gpd of sewage flows will be conveyed by the Lehigh County Authority Western Lehigh Interceptor by a direct gravity connection of an 8 inch sewer line into the interceptor. The City of Allentown Wastewater Treatment Plant will accept the proposed flows for treatment. Public water will be provided to the project by Lehigh County Authority. The developer has secured a BDWM-GP-5 utility line stream crossings permit from the Department to install the 8 inch sewer line across Spring Creek.

*Water Management Program Manager, Southcentral Region, One Ararat Blvd., Harrisburg, PA 17110.*

*Location:* Greene Township, **Franklin County**, P. O. Box 215, Scotland, PA 17254.

The approved plan provided for expanded use of the Chambersburg wastewater treatment facility for the existing and future sewer service needs within the Township. Additionally, future sewer service areas are identified as Area #1 (Memory Lane and Rocky Spring Road), fill in within existing service areas, and the Blakewood Drive Subdivision. An onlot disposal management Ordinance and program will address the remainder of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

*Location:* Walker Township, **Juniata County**, R. D. 2, Box 201Z, Thompsontown, PA 17094. The approved plan provided for construction of a public sewer collection system and wastewater treatment plant to provide sewer service to the Village of Mexico. The treatment plant will have a .065 mgd capacity and discharge to the Juniata River. The Mount Pleasant and Locust Run areas were also examined for future sewer service but found to be infeasible at this time. The municipality will enact an onlot sewage disposal system management program for the remainder of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

*Location:* Loganville Borough, **York County**, 225 West Ore St., P. O. Box 114, Loganville, PA 17342. The approved plan provided for construction of a public sewer

and Spring Creek Road (SR 3001), Lower Macungie Township, **Lehigh County**.

*Project Description:* This project proposes a residential subdivision consisting of 378 townhouse units and six single family units on a 77.0 acre tract. It is the intent of the developer to construct the project in five phases with flows as follows:

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collection system, including three pump stations, to serve Loganville Borough. The Borough system will connect to the previously approved Springfield Township system for transportation and treatment. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

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

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

**Permit No. 5496505.** Public water supply. **Peifer Brothers, Melanie Manor Mobile Home Park, c/o Jay Peifer**, P. O. Box 550, Elizabethtown, PA 17022. This proposal involves an application for permit for an existing public water supply system serving Melanie Manor Mobile Home Park. The system consists of two wells with disinfection and existing distribution system. It is located in Union Township, **Schuylkill County**.

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**Acknowledgment of the Submission of Final Reports on Attainment of Background and State-wide Health Standards (Sections 302(e)(2) and 303(h)(2)).**

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of



sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports:

*Southwest Field Office, John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.*

**Ashland Chemical Company**, Freedom Borough, **Beaver County**. Ashland Chemical Company, P. O. Box 2219, Columbus, OH 43216 has submitted a Final Report addressing soil contaminated with solvents and BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

*Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-5950.*

**Industrial Park Development Company Property**, Eddystone Borough, **Delaware County**. Darryl D. Borrelli, Consulting Engineer, Manko, Gold & Katcher, 401 City Ave., Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, heavy metals, polycyclic aromatic hydrocarbons and petroleum hydrocarbons. The report is intended to document remediation of the site to meet site specific and the Statewide health standard.

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

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

**American Environmental Technologies, Inc.**, d/b/a Environmental Technologies of America, 3 Trowbridge Drive, Bethel, CT 06801; License No. **PA-AH 0421**; license issued September 13, 1996.

**Berner Trucking, Inc.**, P. O. Box 660, Dover, OH 44622-0660; License No. **PA-AH 0382**; license issued September 13, 1996.

**Chemclene Corporation**, 258 N. Phoenixville Pike, Malvern, PA 19355-1126; License No. **PA-AH 0150**; license issued September 13, 1996.

**General Battery Corporation**, P. O. Box 14205, Reading, PA 19612-4205; License No. **PA-AH 0036**; license issued September 13, 1996.

**Maumee Express, Inc.**, P. O. Box 278, Somerville, NJ 08876; License No. **PA-AH 0420**; license issued September 13, 1996.

**Page E.T.C., Inc.**, P. O. Box 1290, Weedsport, NY 13166; License No. **PA-AH 0338**; license issued September 13, 1996.

**Philadelphia Steel Drum Co., Inc.**, 8 Woodside Drive, Richboro, PA 18954; License No. **PA-AH S109**; license issued September 13, 1996.

**Tonawanda Tank Transport Service Inc.**, P. O. Box H, Buffalo, NY 14217; License No. **PA-AH 0429**; license issued September 13, 1996.

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

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

**Chemclene Corporation**, 258 N. Phoenixville Pike, Malvern, PA 19355-1126; License No. **PA-AH 0150**; amended license issued September 13, 1996.

**Fortress Trucking Limited**, R. R. 1, Elora, ON N0B 1S0, Canada; License No. **PA-AH 0512**; amended license issued September 12, 1996.

**General Battery Corporation**, P. O. Box 14205, Reading, PA 19612-4205; License No. **PA-AH 0036**; amended license issued September 13, 1996.

**Maumee Express, Inc.**, P. O. Box 278, Somerville, NJ 08876; License No. **PA-AH 0420**; amended license issued September 13, 1996.

**Philadelphia Steel Drum Co., Inc.**, 8 Woodside Drive, Richboro, PA 18954; License No. **PA-AH S109**; amended license issued September 13, 1996.

**S.M.S. Tank Disposal Co., Inc.**, R. D. 3, Box 291, Punxsutawney, PA 15767-8703; License No. **PA-AH 0467**; amended license issued September 9, 1996.

**Tonawanda Tank Transport Service, Inc.**, P. O. Box H, Buffalo, NY 14217; License No. **PA-AH 0429**; amended license issued September 13, 1996.

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

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

**Pat Perretti Freight Service, Inc.**, 335 Brown Trail, Hopatcong, NJ 07843; License No. **PA-AH 0465**; license expired on August 31, 1996.

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

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

**Permit ID No. PAD987270725. Envirotrol, Inc.**, Darlington Facility, 432 Green Street, Sewickley, PA 15143. Operation of a hazardous waste storage and treatment and residual waste processing facility in Darlington Township, **Beaver County**. Permit issued in the Regional Office on September 3, 1996. The permit authorizes the storage of spent sorbents and the regeneration of these wastes in rotary kilns.

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

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

**Permit ID No. PAD000739672. USX Corporation,** South Taylor Environmental Park, 600 Grant Street, Pittsburgh, PA 15219. Operation of a hazardous waste leachate treatment facility in Borough of West Mifflin, **Allegheny County.** Permit modified in the Regional Office on September 6, 1996. This modification authorizes the installation and operation of sand filters as part of a hazardous waste leachate treatment facility.

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

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

**A. 400592.** (Permit Modification) **Lancaster County Resource Recovery,** Lancaster County Solid Waste Management Authority, (1299 Harrisburg Pike, P. O. Box 4425, Lancaster, PA 17604). Application for modification for the acceptance of approximately 2,000 tons/year of infectious/chemotherapeutic waste in Conoy Township, **Lancaster County.** Application withdrawn in the Regional Office August 28, 1996.

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

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

**Permit No. 603441. Route 81 Farm, Walnut Bottom Farm, Brownwell Farm, Borough of Carlisle,** (53 West Street, Carlisle, PA 17013). Application for operation of an agricultural utilization of sewage sludge sites in Dickinson, Penn, Upper Frankford Townships, **Cumberland County.** Permit issued in the Regional Office September 10, 1996.

**Permit No. 603391. Pennsylvania Gameland No. 230, Carlisle Suburban Authority,** (240 Clearwater Drive, Carlisle, PA 17013). Application for agricultural utilization of sewage sludge to a site in Middlesex Township, **Cumberland County.** Permit issued in the Regional Office September 10, 1996.

**Permit No. A. 603409. Doug Hodecker Farm, Hampden Township,** (230 S. Sporting Hill Road, Mechanicsburg, PA 17055). Application for agricultural utilization of sewage sludge to a site in Penn Township, **Cumberland County.** Permit issued in the Regional Office September 5, 1996.

**Permit No. 602887. Letterkenny Army Depot** (Chambersburg, PA 17201-4150). Renewal application for the operation of an agricultural utilization of sewage sludge site in Letterkenny Township, **Franklin County.** Permit issued in the Regional Office September 10, 1996.

**Permit No. 301240. Appleton Papers, Inc.,** 100 Paper Mill Road, Roaring Spring, PA 16673. Application to

construct and operate a residual waste landfill in Taylor Township, **Blair County.** Permit issued in the Regional Office September 10, 1996.

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

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

**A. 400526. Keystone Lighting Corp.,** 11219 Beaver Street, Bristol, PA 19007. Application withdrawn because residual waste permit by rule status was determined to be applicable for the Keystone Lighting Corp., facility located in Bristol Township, **Bucks County.** Application was returned and our review was terminated in the Southeast Regional Office on September 4, 1996.

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

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

**Permit No. 301254. R3 Technologies, Inc.,** 7 Steel Road East, P. O. Box 847, Morrisville, PA 19067-0847. This waste management permit amends the May 9, 1996 permit that was re-issued to R3 Technologies, Inc. The department is modifying the referenced permit to clarify waste streams that are acceptable for processing and to make minor language changes to an editorial nature. Facility located in Falls Township, **Bucks County.** Permit re-issued in the Southeast Regional Office on September 4, 1996.

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

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

**Permit No. 400526. Keystone Lighting Corp.,** P. O. Box 700, 1119 Beaver Street, Bristol, PA 19007. This permit was revoked because permit by rule status for the operation of a residual waste incinerator under the permit by rule provisions of the residual waste regulations was determined to be applicable. Facility located in Bristol Township, **Bucks County.** Permit revoked in the Southeast Regional Office on September 4, 1996.

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

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

**07-318-007.** On August 29, 1996, the Department issued a Plan Approval to **Consolidated Rail Corporation** (Room 318, General Office Building, 200 4th Avenue, Juniata, Altoona, PA 16601-6702) for the construction of a

locomotive engine paint spray booth controlled by dry filter media at their Juniata Locomotive Shop in Logan Township, **Blair County**.

**36-310-038B.** On August 26, 1996, the Department issued a Plan Approval to **Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for the modification of a stone crushing plant at their Burkholder Quarry in Earl Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

**38-399-010A.** On August 26, 1996, the Department issued a Plan Approval to **O'Sullivan Corporation** (1501 Willow Street, Lebanon, PA 17042) for the modification of a calender operation in the City of Lebanon, **Lebanon County**.

**67-318-118.** On August 26, 1996, the Department issued a Plan Approval to **Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for the installation of a paint burn-off oven controlled by an afterburner at their Springettsbury Plant in Springettsbury Township, **York County**.

**21-322-001A.** On September 4, 1996, the Department issued a Plan Approval to **Community Refuse Service, Inc. t/a Cumberland County Landfill** (142 Vaughn Road, Shippensburg, PA 17257) for the construction of a landfill gas venting system controlled by a flare in Hopewell Township, **Cumberland County**. The source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

**67-310-004E.** On September 4, 1996, the Department issued a Plan Approval to **Thomasville Stone & Lime Company** (P. O. Box 23, Thomasville, PA 17364) for the installation of a limestone crushing/grinding operation in Jackson Township, **York County**.

**28-311-015.** On September 11, 1996, the Department issued a Plan Approval to **Nitterhouse Concrete Products, Inc.** (P. O. Box N, Chambersburg, PA 17201) for the construction of two cement storage silos with bin vent filters at their Block Plant in Guilford Township, **Franklin County**.

**36-320-028A.** On September 11, 1996, the Department issued a Plan Approval to **R. R. Donnelley & Sons Company** (1375 Harrisburg Pike, Lancaster, PA 17601) for the construction of a four-unit double web non-heatset offset lithographic printing press at their Lancaster West plant in Lancaster City, **Lancaster County**.

**67-329-001.** On September 12, 1996, the Department issued a Plan Approval to **Modern Trash Removal of York, Inc.** (R. D. 9, York, PA 17402) for the construction of three landfill gas-fired engines in Lower Windsor Township, **York County**.

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

**65-304-039.** On August 27, 1996, a Plan Approval was issued to **Tasman Development Company, Ltd.**, (P. O. Box 81620, Pittsburgh, PA 15217) for a sand removal and screening operation at its Latrobe Plant located in Latrobe Borough, **Westmoreland County**.

**65-305-047.** On August 27, 1996, a Plan Approval was issued to **Loransen Coal Contractors, Limited**, (P. O. Box 208, Ambridge, PA 15003) for a bituminous coal processing operation at its Biddle Pile facility located in North Huntingdon Township, **Westmoreland County**.

**26-305-034.** On August 27, 1996, a Plan Approval was issued to **Matt Canaestrale Contracting, Inc.**, (P. O.

Box 234, Belle Vernon, PA 15012) for a loading/unloading stockpiling operation at its LaBelle Site located in Luzerne Township, **Fayette County**.

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**62-312-035.** On August 21, 1996, a Plan Approval was issued to **United Refining Company** (P. O. Box 780, Warren, PA 16365) for a volcanic heater at Warren, **Warren County**. This source is subject to 40 CFR Part 60, Subpart J—Standards of Performance for Petroleum Refineries.

**25-304-035A.** On August 19, 1996, a Plan Approval was issued to **Urlick Foundry Company, Inc.** (1501 Cherry Street, Box 6027, Erie, PA 16512) for the modification of the shakeout/cooling process at Erie, **Erie County**.

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

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*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**63-307-057.** On August 27, 1996, a Plan Approval expiration date was extended to March 1, 1997, for **Therm-O-Rock East, Inc.** (P. O. Box 429, New Eagle, PA 15067) for dust collectors on the perlite and vermiculite furnaces at its Plant 1 located in New Eagle Borough, **Washington County**.

**63-311-006.** On August 27, 1996, a Plan Approval expiration date was extended to November 1, 1996, for **Martin Marietta Aggregates**, (120 Mallard Street, Suite 300, St. Rose, LA 70087) for a concrete production and distribution system at its Charleroi Plant located in Charleroi Borough, **Washington County**.

**63-308-036.** On August 27, 1996, a Plan Approval expiration date was extended to November 1, 1996, for **General Alloys, Inc.** (P. O. Box 1205, 135 West Wiley Avenue, Washington, PA 15301) for scrap aluminum remelt furnaces at its facility located in Canton Township, **Washington County**.

**11-308-012D.** On August 27, 1996, a Plan Approval expiration date was extended to November 1, 1996, for **SCM Metal Products, Inc.** (101 Bridge Street, Johnstown, PA 15902) for a dust collector on the screen and dryers at its Johnstown Plant located in Johnstown, **Cambria County**.

**03-302-018.** On August 27, 1996, a Plan Approval expiration date was extended to November 1, 1996, for **Praxair, Inc.**, (P. O. Box 44, Tonawanda, NY 14151) for a gas-fired boiler at its Hydrogen/Nitrogen facility located in Gilpin Township, **Armstrong County**.

**63-309-052.** On August 27, 1996, a Plan Approval expiration date was extended to December 1, 1996, for **Therm-O-Rock, Inc.**, (P. O. Box 429, New Eagle, PA 15067) for a baghouse for the perlite processing operation at its Plant 1 located in New Eagle Borough, **Washington County**.

**65-309-065.** On August 27, 1996, a Plan Approval expiration date was extended to December 31, 1996, for **IA Construction Corporation** (P. O. Box 348, Punxsutawney, PA 15767) for a baghouse on the asphalt

plant at its Torrence Asphalt Concrete facility located in Derry Township, **Westmoreland County**.

**32-329-004.** On August 27, 1996, a Plan Approval expiration date was extended to January 31, 1997, or **Three Rivers Pipeline**, (2030 William Pitt Way, Pittsburgh, PA 15238) for a catalytic converter on the Waukesha L7042-GSI Engine at its Pennview Compressor Station facility located in West Wheatfield Township, **Indiana County**.

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Applications Issued

**32860101.** Permit renewal, **KMP Associates** (301 Salt Street, Saltsburg, PA 15681), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Conemaugh Township, **Indiana County**, affecting 42.2 acres, receiving stream unnamed tributary to Big Run and Big Run to Blacklegs Creek, application received September 6, 1996, permit issued September 6, 1996.

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

**65950110. V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658). Permit revised to add 13.2 acres to an existing bituminous surface mining site located in Derry Township, **Westmoreland County**, now affecting 93.2 acres. Receiving streams: unnamed tributary to Union Run and Union Run to Loyalhanna Creek. Application received: July 16, 1996. Revision issued: September 16, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17910118. Swisher Contracting, Inc.** (R. D. 2, Box 81, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 74.2 acres, receiving streams: three unnamed streams, tributaries to Clearfield Creek, application received July 9, 1996, permit issued August 30, 1996.

**18880101. Antrim Mining, Inc.** (P. O. Box 38, Blossburg, PA 16912), major permit modification to apply biosolids to enhance vegetation on a bituminous surface mine operation in Beech Creek and Bald Eagle Townships, **Clinton County** affecting 148.4 acres, application received May 27, 1994, permit issued September 11, 1996.

**18820102. Antrim Mining, Inc.** (P. O. Box 38, Blossburg, PA 16912), major permit modification to apply biosolids to enhance vegetation on a bituminous surface

mine operation in Beech Creek and Bald Eagle Townships, **Clinton County** affecting 178.3 acres, application received May 27, 1994, permit issued September 11, 1996.

**17910120. Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit, affecting 23.8 acres, Gulich Township, **Clearfield County**, application received February 27, 1996, permit issued September 11, 1996.

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

**56841316. Top Grade Fuel, Inc.**, (R. D. 2, Box 55A, Dunbar, PA 15431), to renew the permit for the Black Mountain bituminous deep mine in Brothersvalley Township, **Somerset County**, no additional discharge. Permit issued September 11, 1996.

**03831305. Keystone Coal Mining Corporation**, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Jane bituminous deep mine in Plumcreek Township, **Armstrong County** for post-mining land use change at Jane No. 2 Shaft/Portal area, no additional discharge. Permit issued September 11, 1996.

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

**54851336T. Summit Anthracite, Inc.**, (R. D. 1, Box 12A, Klingerstown, PA 17941) anthracite deep mine transferred from Jeff Coal Company in Hegins Township, **Schuylkill County**, affecting 5.7 acres, receiving stream—Good Spring Creek. Transfer issued September 9, 1996.

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

#### Noncoal Permits Issued

**04960301. Beaver Valley Aggregates, Inc.** (1150 Brodhead Road, Monaca, PA 15061). Permit issued for commencement, operation and reclamation of a large noncoal (slag) surface mining operation located in Hopewell Township, **Beaver County**, affecting 54 acres. Receiving streams: Ohio River. Application received: March 27, 1996. Permit issued: September 10, 1996.

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

**E15-486.** Encroachment. **The Hankin Group**, P. O. Box G, Exton, PA 19341. To relocate and maintain 1,700 linear feet of Lionville Run, a tributary to West Valley Creek at a point approximately 300 feet west of the existing stream channel, to facilitate development on the Chandler Tract. This site is located 2,300 feet west of the northwest corner of the Route 100 and Route 30 intersection (Downingtown, PA Quadrangle N: 5.2 inches; W: 1.6 inches) in West Whiteland Township, **Chester County**.

**E15-510.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove the existing structure and to install and maintain an 18-foot span by 5-foot effective rise twin cell precast box culvert in and along the west branch of Ridley Creek (HQ, TSF). This culvert is located beneath Paoli Pike (SR 2014) at a point approximately 800 feet northeast of the intersection of Paoli Pike and Boot Road (West Chester, PA Quadrangle N: 20.9 inches; W: 6.9 inches) in East Goshen Township, **Chester County**.

**E46-744.** Encroachment. **Lower Pottsgrove Township**, 2199 Buchert Road, Pottstown, PA 19464. To reconstruct and maintain an existing ford crossing across Sprogles Run to provide an access for Township maintenance vehicles. The site is located approximately 0.6 mile north of the intersection of East High Street and Sunnysbrook Road, (Sassamansville, PA Quadrangle, N: 0.5 inch; W: 15.5 inches) in Lower Pottsgrove Township, **Montgomery 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.*

**E40-443.** Encroachment. **Robert L. and Virginia S. Tambur**, Box 3027, Route 3, Harveys Lake, PA 18618. To (1) modify and maintain an existing dock and boathouse in Harveys Lake, with work consisting of demolishing the existing boathouse, expanding the dock and rebuilding the boathouse, with overall structure dimensions of approximately 48 feet (lakeward) by 69 feet; and (2) maintain existing water, sanitary and electrical utility line crossings of Harveys Lake which service the structure. The project is located at Pole #299, on the north side of S. R. 0415 (Harveys Lake, PA Quadrangle N: 18.5 inches; W: 5.3 inches), in Harveys Lake Borough, **Luzerne County**.

**E48-234.** Encroachment. **Katherine L. Nichols**, 304 Kromer Road, Wind Gap, PA 18091. To expand the reservoir surface area of a nonjurisdictional dam to approximately 0.65 acre by excavating an upland area and modifying the earth embankment. The project is located on the south side of T615 (Kromer Road), approximately 0.2 mile west of its intersection with S. R. 1001 (Wind Gap, PA Quadrangle N: 12.8 inches; W: 8.4 inches) in Bushkill Township, **Northampton County**.

**E52-140.** Encroachment. **Township of Delaware**, R. R. 2, Box 362, Dingmans Ferry, PA 18328. To remove the existing structure and to construct and maintain a road crossing consisting of an open-bottom aluminum corrugated box culvert, having a waterway opening of approximately 15.75 feet x 6.5 feet, in Hornbecks Creek. The project is located on T-318 (Emery Road), approximately 0.5 mile south of the intersection of T-318 and T-323 (Lake Muskenozha, PA-NJ Quadrangle N: 12.8 inches; W: 4.8 inches), in Delaware Township, **Pike County**.

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

**E22-353.** Encroachment. **Mary Brooks and Robert Southard**, Dauphin County, Box 307, Dauphin, PA 17018-0307. To construct and maintain garage next to an existing house in the floodway of the Susquehanna River at a point along River Road (Harrisburg West, PA Quadrangle N: 20.75 inches; W: 8.5 inches) in Dauphin Borough, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E28-223.** Encroachment. **R & A Bender, Inc.**, P. O. Box 399, Scotland, PA 17254-0399. To fill in 0.14 acre of wetland for the purpose of providing double layer lining system in an area of an existing landfill located about 0.8 mile northeast of I-81 interchange #8 (Scotland, PA Quadrangle N: 16.9 inches; W: 8.8 inches) in Green Township, **Franklin County**. Applicant is required to provide 0.14 acre of replacement wetland.

**E28-238.** Encroachment. **Terry L. Garrett**, President, Owls Club, 87 West Main Street, Waynesboro, PA 17268. To construct and maintain a 5-foot wide foot bridge with a clear span of 40 feet, with steel beams and timber decking across the west branch Antietam Creek located about 4,400 feet west of PA316 and PA997 intersection in Waynesboro to provide continued access to the Owls Club of Waynesboro (Smithburg, MD-PA Quadrangle N: 22.6 inches; W: 14.35 inches) in Washington Township, **Franklin County**.

**E31-130.** Encroachment. **Dawn and Todd Colyer**, HC 62, Box 426, Shade Gap, PA 17255. To construct and maintain a single span steel I-beam, steel deck bridge on concrete supports having a clear span of about 30-foot and an underclearance of about 8-foot across Shade Creek to access existing private residences located on the east side of SR 0641 about 0.6 mile south of its intersection with SR 0035 (Shade Gap, PA Quadrangle N: 9.4 inches; W: 14.6 inches) in Dublin Township, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E34-084.** Encroachment. **Game Commission**, P. O. Box 537, SCRO, Huntingdon, PA 16652-0537. To remove an existing bridge and to construct and maintain a single span wood bridge having a span of 12 feet and an underclearance of 3.8 feet across Spiglemyer Run for maintenance purposes located off Township Road T-396 about 0.5 mile north of its intersection with Township Road T-527 (Alfarata, PA Quadrangle N: 1.25 inches; W: 1.69 inches) in Fermanaugh Township, **Juniata County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-609.** Encroachment. **James K. Oberstreet**, President, Soco Enterprises Company, 1330 Charlestown Road, Phoenixville, PA 19460. To remove the existing pipe culvert, construct and maintain a 10-foot x 5-foot and a 10-foot x 6.5-foot precast reinforced concrete box culverts in a tributary to Mill Creek and fill a de minimus wetland area of less than 0.05 acre for relocation of Philip Lane in Millcreek Estates (New Holland, PA Quadrangle N: 17.5 inches; W: 8.5 inches) in Earl and East Earl Townships, **Lancaster County**.

**E36-621.** Encroachment. **Glenn B. and Miriam Thomas**, R. R. 3, Box 136, Lititz, PA 17543. To construct and maintain a bridge having a clear span of 30 feet with an average underclearance of 3 feet across Donegal Creek to provide a private access driveway from Trout Run Road (Columbia W, PA Quadrangle N: 15.9 inches; T: 5.8 inches) in East Donegal Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-559.** Encroachment. **Joseph A. Myers**, 160 Ram Drive, Hanover, PA 17331. To widen the existing concrete bridge on Pumping Station Road over Furnace Creek by installing a 15-foot wide x 4-foot high x 27-foot long reinforced concrete box culvert for the purpose of highway improvements located approximately 0.75 mile east of SR0094 (Hanover, PA Quadrangle N: 3.4 inches; W: 10.0 inches) in West Manheim Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-566.** Encroachment. **Springettsbury Township Board of Supervisors**, 1501 Mount Zion Road, York, PA

17402. To construct and maintain a 6-foot wide pedestrian bridge having a clear span of 50-feet with a minimum underclearance of 3.5-feet across a tributary to Kreutz Creek, located approximately 350 feet upstream of the Eastern Boulevard bridge for access to recreational facilities within Camp Security Park. The concrete slabs for each end of the bridge approaches will impact a de minimus area of wetlands less than or equal to .05 acre (York, PA Quadrangle N: 19 inches; W: 3 inches) in Springettsbury Township, **York County**.

**E67-567.** Encroachment. **City of York**, P. O. Box 509, York, PA 17405. To construct and maintain a pedestrian wooden arched footbridge having a clear span of 60-feet with an average underclearance of 4-feet across Willis Run for access from Wood Street to the Noonan Park recreational area located along Parkway Boulevard (York, PA Quadrangle N: 17.0 inches; W: 16.8 inches) in the City of York, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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**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.)**

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*Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Permits Issued*

**E02-1151.** Encroachment. **Moldock, Inc.**, P. O. Box 1451, Clearfield, PA 15102. To place and maintain fill in the channel of and on the right bank of the Ohio River and to construct and maintain a retaining wall approximately 73 feet in length along the right bank of said stream for the purpose of stabilizing the right bank of said stream to extend the existing railroad tracks. The project is located near River Mile 14 (Ambridge, PA Quadrangle N: 10.7 inches; W: 12.4 inches) in Leetsdale Borough, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E04-234.** Encroachment. **Joseph J. Brunner Landfill, Inc.**, 278 Brunner Road, Zelienople, PA 16063. To construct and maintain twin 72-inch, 65-foot long corrugated metal pipes, one of which is depressed 12 inches in a tributary to Brush Creek for the purpose of accessing a proposed leachate treatment plant, located at the existing Brunner Landfill located 1.5 miles from the intersection of Brunner Road and Klein Road (Baden, PA Quadrangle N: 18.2 inches; W: 7.0 inches) in New Sewickley Township, **Beaver County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E26-218.** Encroachment. **Pechin Leasing Inc.**, P. O. Box 340, Dunbar, PA 15431. To construct and maintain a 50-foot x 200-foot docking facility in the Monongahela River at Mile Post 77.2 (Masontown, PA Quadrangle N: 22.5 inches; W: 6.5 inches) in German Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E26-221.** Encroachment. **Wharton Township**, P. O. Box 1, Farmington, PA 15437. To remove the existing structure and to construct and maintain two 36-inch smooth metal pipe culverts with inverts depressed 6 inches below stream bed in Laurel Run. The project is located 400 feet upstream of Mill Run on T-908 (Brownfield, PA Quadrangle N: 4.2 inches; W: 5.7 inches) in Wharton Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E26-222.** Encroachment. **Wharton Township**, P. O. Box 1, Farmington, PA 15437. To remove the existing structure and to construct and maintain two 36-inch corrugated plastic pipe culverts with inverts depressed 6 inches below stream bed in McIntire Run. The project is located on T-399 approximately 0.93 mile southwest of the Village of Wharton Furnace (Brownfield, PA Quadrangle N: 11.8 inches; W: 3.3 inches) in Wharton Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E63-409.** Encroachment. **Meadowlands Sportsmen**, P. O. Box 498, Meadowlands, PA 15347-0498. To remove the existing structure and to construct and maintain a bridge having a span of 52 feet with a minimum underclearance of 5 feet. The project also allows the removal of gravel deposits and the installation of riprap along the banks of Dutch Fork. This work provides access to the Meadowlands Sportsmen property. The project is located just downstream from the confluence of Ralson Run and Dutch Fork (West Middletown, PA Quadrangle N: 4.7 inches; W: 13.8 inches) in Donegal Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E63-415.** Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain two bridges (MF-293 and MF-294) each having a total span of 1,300 feet with an underclearance of 104.0 feet across an unnamed tributary to Taylors Run and two bridges (MF-295 and MF-296), one having a total span of 880 feet with an underclearance of 102.5 feet and one having a total span of 900 feet with an underclearance of 102.5 feet across Taylors Run and to place and maintain fill in 0.03 acre of wetlands as part of the construction of Section 52D of the Mon-Fayette Expressway, I-70 to PA-51. The applicant is to provide 4.5 acres of replacement wetlands approved under the DEP Permit No. E02-1132. The bridges are located approximately 2,100 feet and 3,000 feet south from the intersection of SR 2023 and SR 481 (Monongahela, PA Quadrangle N: 8.0 inches; W: 8.7 inches) in Carroll Township, **Washington County**.

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## SPECIAL NOTICES

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### Consent Decree

The Department of Environmental Protection (Department) and the Borough of North East have entered into a Consent Decree in settlement of the above-referenced action. This matter arose when the Department filed a Complaint in Equity against the Borough of North East on May 3, 1996, which alleged that the Borough of North East violated various environmental statutes in the operation of its sewage treatment plants.

The Consent Decree contains the following terms and obligations:

The Borough of North East shall continue to take all actions necessary to prevent sludge or rainwater run-off

of sludge from entering the surface of the ground or the waters of the Commonwealth; the Borough of North East shall continue to reduce the build-up of solids in its sewage treatment processes; the Borough of North East shall undertake and complete an estimated \$1.59 million sludge related capital improvements project to improve its sludge handling capabilities; the Borough of North East shall remove all remaining stock-piled sludge from its sewage treatment plant sites on or before December 31, 1996; the Borough of North East shall submit to the Department a revised 1995 Chapter 94 Report which comprehensively evaluates organic loading of its sewage treatment plants; the Borough of North East shall develop, submit to the Department, and implement a preparedness, prevention and contingency PPC plan which addresses sewage treatment plant operations with particular emphasis on sludge management; the Borough of North East shall submit to the Department an Update Revision of its Official Plan to address the Borough's present and future sewage needs; the Borough of North East will undertake any additional actions necessary to achieve compliance with its NPDES permit; the Borough of North East will pay a fine of \$20,000 to the Commonwealth of Pennsylvania Clean Water Fund for past violations; and the Borough of North East is subject to pay stipulated penalties for prospective violations of the Consent Decree and/or its NPDES permit.

Copies of the full Consent Decree are in the possession of:

Matthew L. Wolford,  
Regional Counsel,  
Northwest Regional Counsel,  
Dept. of Environmental Protection,  
230 Chestnut Street,  
Meadville, PA 16335-3481;

Russell S. Warner, Esq.,  
McDonald, Illig, Jones & Britton,  
100 State Street, Suite 700,  
Erie, PA 16507;

and at the Department's Northwest Regional Office located at 230 Chestnut Street, Meadville, PA 16335, and may be reviewed by any interested party on request during normal business hours.

The Department is seeking comments from the public concerning the proposed Consent Decree for a period of 60 days. Thereafter, the Department may request the Commonwealth Court to enter the Consent Decree as a final settlement between the Department and the Borough of North East. Comments should be directed to Matthew L. Wolford at the above address.

#### **Proposed Water Management Experimental Permits for Small Flow Sewage Treatment System**

The Pennsylvania Rural Electric Association (PREA) has applied for an experimental permit to construct and operate a proposed new technology demonstration project on the property of Gary Discavage, Etna Furnace, Catherine Township, Blair County, PA. The project will consist of a small flow sewage treatment system comprised of conventional septic tanks, a recirculating sand filter and an ultraviolet light for disinfection. A subsurface discharge into a disposal trench is planned. The project is designed to serve a home and a cottage and will address existing sewage problems at the project location.

Unless otherwise indicated on the basis of detailed technical review of the application and/or lack of submission of necessary pre-requisite planning approvals or

municipal sponsorship/ordinance assuring proper operation and maintenance of the project, the Department has made a tentative decision to issue the experimental permit. All experimental permits represent only the conditional approval of such systems and must be promptly replaced or modified by the permittee, to the satisfaction of the Department if they fail, malfunction or cause a public nuisance. At the completion of the successful demonstration, the permit will be transferred to the property owner who will be responsible for continued compliance, operation and maintenance.

Persons wishing to comment on the proposed permit are invited to submit a written statement to Permits Section, Division of Permits and Compliance, P. O. Box 8465, Harrisburg, PA 17105-8465, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the final determination regarding this application. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A fact finding public meeting may be held if the Department considers the public response significant.

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

The permit application and related documents, and the proposed permit with any special conditions can be inspected at the Division of Permits and Compliance located on the 10th floor of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

[Pa.B. Doc. No. 96-1639. Filed for public inspection September 27, 1996, 9:00 a.m.]

#### **Advance Notice of Proposed Rulemaking—Underground Coal Mining; Mine Subsidence Control, Subsidence Damage Repair and Water Supply Replacement**

The Department of Environmental Protection is soliciting comments on proposed changes to its regulations in response to public interest in the matters which will be addressed. The proposed changes are of interest to residents of the bituminous coal fields of western Pennsylvania whose buildings and water supplies may be affected by underground coal mining or mine subsidence. The changes are also of interest to mine operators whose duties and responsibilities will be established by these regulations. For these reasons the Department wishes to obtain comments from a broad segment of the concerned public before proceeding with a formal rulemaking proposal.

The changes revise the Department's regulations on underground bituminous coal mining. Specifically, these changes address mine operators' duties to repair subsidence damage, replace affected water supplies, and employ appropriate subsidence control measures as prescribed under Pennsylvania and Federal law. These changes are intended to bring the Department's regulations into conformance with the Bituminous Mine Subsidence and Land Conservation Act, as amended by Act 54 of 1994, and with Federal requirements for State primacy.



While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for proposed rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft proposed regulations is available from the Bureau of Mining and Reclamation at (717) 783-8845. Written comments on the draft proposed regulations must be received by October 28, 1996. No telefax comments will be accepted. Comments or requests for copies should be addressed or delivered to Evan T. Shuster, Chief, Division of Monitoring and Compliance, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17101-8461. The draft proposed regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>). Comments may be transmitted electronically to [RegComments@A1.dep.state.pa.us](mailto:RegComments@A1.dep.state.pa.us), and must also be received by October 28, 1996. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1640. Filed for public inspection September 27, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

*CON-96-F-2669-B:* Geisinger Medical Center, 100 North Academy Avenue, Danville, PA 17822-0150. Develop a 30-bed skilled nursing unit within its existing acute care facility, at an estimated cost of \$1,197,400.

*CON-96-A-2676-B:* The Lankenau Hospital, 100 Lancaster Avenue, Wynnewood, PA. Establish an ambulatory surgery center on the campus of Lankenau Hospital, at an estimated cost of \$2,800,000.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning September 28, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Geisinger Medical Center public meeting will begin at 9 a.m., and Lankenau Hospital public meeting will begin at 11 a.m., Tuesday, November 12, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1641. Filed for public inspection September 27, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Robert B. Goodall v. DEP; EHB Doc. No. 96-103-R

Robert B. Goodall (Goodall) operates a surface mine in Robinson Township, Washington County under Surface Mining Permit No. 63823020 (Roman Mine).

On April 19, 1996, the Department issued a Compliance Order to Goodall for his failure to properly dispose of solid wastes at the Roman Mine. Goodall filed a timely appeal of the Compliance Order with the Environmental Hearing Board.

The parties negotiated a settlement of this matter, the major provisions of which include:

1. Goodall agrees to dispose of all solid wastes in accordance with the requirements of 25 Pa. Code § 87.136.
2. Goodall's appeal will be dismissed with prejudice.

Copies of the full agreement are in the possession of:

Patience R. Nelson, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Robert B. Goodall, 725 Midway-Candor Road, Bulger, PA 15019;

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

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.



The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1642. Filed for public inspection September 27, 1996, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program; Unavailability of Funds

Under section 409-C of the Housing Finance Agency Law (35 P.S. § 1680.101 et seq.) (act), the Executive Director of the Housing Finance Agency (Agency) has determined that as of January 1, 1997, the Agency will have insufficient money available in the Homeowner's Emergency Mortgage Assistance Program (Fund) to accept new applications for emergency mortgage assistance.

The Agency projects that the money available in the Fund will be insufficient to pay out on new applications that are expected to be received after December 31, 1996, and at the same time, to continue making disbursements on behalf of mortgagors previously approved.

The Agency will continue to accept applications for mortgage assistance up to and including December 31, 1996. However, all applications approved by the Agency after that date will be specifically conditioned upon the continued availability of funds. The applications will be considered on a first-come, first-served basis.

Effective January 1, 1997, mortgagees shall no longer be subject to Article IV-C of the act, and mortgagees may, at any time on or after January 1, 1997, take legal action to enforce the mortgage without any further restriction or requirement of said article. Notwithstanding the above, however, mortgagees shall not take legal action against mortgagors who applied for mortgage assistance on or before December 31, 1996, and whose application was approved by the Agency in a timely manner; while continuing mortgage assistance disbursements are being made on their behalf by the Agency; or during the time that their mortgage assistance loan is being prepared for closing by the Agency.

If funds become replenished in sufficient amount, by an appropriation or otherwise, to continue the Homeowner's Emergency Mortgage Assistance Program, a new notice will be published in accordance with the act announcing that fact and thereafter mortgagees and mortgagors shall again be subject to Article IV-C of the act.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 96-1643. Filed for public inspection September 27, 1996, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final-Form Rulemakings

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-144	Pennsylvania Public Utility Commission Limousine Service Supplemental	09/13/96
57-150	Pennsylvania Public Utility Commission Gas Transportation Tariffs	09/13/96
57-149	Pennsylvania Public Utility Commission Small Water and Sewer Company Rate Methodologies	09/13/96
57-153	Pennsylvania Public Utility Commission Taxicab Medallion Program	09/13/96
16A-377	State Board of Physical Therapy Athletic Trainers; Class A & B Certification	09/13/96
16A-703	State Board of Certified Real Estate Appraisers Fees; Application Process	09/13/96
16A-473	State Registration Board for Professional Engineers, Land Surveyors & Geologists General Revisions	09/13/96
16A-702	State Board of Certified Real Estate Appraisers Definitions	09/13/96
16A-630	State Board of Psychology Child Abuse Reporting Requirements	09/13/96
16A-532	State Board of Medicine/State Board of Osteopathic Medicine Respiratory Care Practitioners	09/13/96
16A-535	State Board of Osteopathic Medicine Child Abuse Reporting Requirements	09/13/96
16A-442	State Board of Podiatry Child Abuse Reporting Requirements	09/13/96
16A-492	State Board of Medicine Child Abuse Reporting Requirements	09/13/96
16A-515	State Board of Nursing Child Abuse Reporting Requirements	09/13/96
16A-436	State Board of Chiropractic Child Abuse Reporting Requirements	09/13/96
16A-462	State Board of Dentistry Child Abuse Reporting Requirements	09/13/96

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-484	State Board of Funeral Directors Child Abuse Reporting Requirements	09/13/96
16A-523	State Board of Optometry Child Abuse Reporting Requirements	09/13/96
16A-653	State Board of Physical Therapy Child Abuse Reporting Requirements	09/13/96
16A-671	State Board of Occupational Therapy Education and Licensure Child Abuse Reporting Requirements	09/13/96
16A-682	State Board of Examiners in Speech-Language and Hearing Child Abuse Reporting Requirements	09/13/96
16A-691	State Board of Social Work Examiners Child Abuse Reporting Requirements	09/13/96
16A-705	State Board of Certified Real Estate Appraisers Examination Fees	09/13/96
16A-654	State Board of Physical Therapy Examination Fees	09/13/96
16A-412	State Board of Landscape Architects Examination Fees	09/13/96
57-173	Pennsylvania Public Utility Commission Termination of Utility Service to Health Care Facilities	09/13/96
57-162	Pennsylvania Public Utility Commission Universal Service Funding Mechanism	09/16/96
18-322	Department of Transportation Minimum Standards for Fixed Base Operations	09/17/96
7-292	Environmental Quality Board Area Unsuitable for Surface Mining Activities; Squaw Run	09/17/96
7-293	Environmental Quality Board Criteria and Procedures for Designating Areas Unsuitable for Surface Mining Activities	09/17/96
2-100	Department of Agriculture Agricultural Land Conservation Assistance Grant Program	09/17/96
11-128	Underground Storage Tank Indemnification Board Commercial Heating Oil Tank Optional Program	09/18/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1644. Filed for public inspection September 27, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Amendments to Primary Care Designated Gatekeeper Health Care Contracts (Filing No. 1-PCGD-92-WP); Filing No. 1-PCGD-96-WP**

By filing no. 1-PCGD-96-WP, Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield propose to amend the Primary Care Designated Gatekeeper Health Care Contracts, Form PCG-D, which was previously approved under Insurance Department Filing No. 1-PCGD-92-WP on July 1, 1993. The amendments allow for additional co-payment options and additional benefit variations to the contract. This filing consists of 26 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie. Please refer to Insurance Department File No. 9609120008001 when referencing this filing.

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. 96-1645. Filed for public inspection September 27, 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-NP**

Delta Dental of Pennsylvania has filed Schedule I, Form No. S-I-PRM-NP, to Delta Dental Master Service Contract MC-3 for a prospective funding method that incorporates a maximum premium level to be charged at each settlement if the monthly deposit premium paid is sufficient to cover claims incurred and actual costs during the settlement period. This 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 office in Harrisburg. Please refer to Insurance Department File No. 9609120023001 when referencing this filing.

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. 96-1646. Filed for public inspection September 27, 1996, 9:00 a.m.]

**General Accident Insurance Company of America;  
Pennsylvania General Insurance Company;  
Homeowners Insurance Rate Filing**

On September 9, 1996, the Insurance Department received from General Accident Insurance Company of America and Pennsylvania General Insurance Company a filing for a rate level change for homeowners insurance.

The companies request an overall 19% increase, amounting to \$3,739,511 annually, to be effective October 21, 1996, for new business and November 30, 1996, for renewal business.

Unless formal administrative action is taken prior to November 8, 1996, the subject filing may be deemed approved by operation of law.

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 Jin Liu, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 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. 96-1647. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Independence Blue Cross; Pennsylvania Blue Shield; Revision to Individual Major Medical Subscription Agreement (Non-Group); Filing No. 11-P-96**

Independence Blue Cross and Pennsylvania Blue Shield has submitted an Endorsement, Form No. 5211, to its non-group Major Medical Subscription Agreement (Form No. 5210) under Filing No. 11-P-96. The Endorsement modifies the method of calculating family deductibles. No rate adjustment has been proposed. This filing consists of three pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia. Please refer to Insurance Department File No. 9609110001001 when referencing this filing.

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. 96-1648. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Pennsylvania Professional Liability Joint Underwriting Association; Underwriting Manual Changes for Health Care Professionals**

On July 22, 1996, the Pennsylvania Professional Liability Joint Underwriting Association filed changes to its Underwriting Manual for Health Care Professionals (including individual medical professionals, as well as Birth Centers and Professional Corporations).

The changes include revisions of rates by specialty class and territory, and revisions in the surcharge plan. The changes are expected to be revenue neutral in total. The filing will become effective October 1, 1996.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Further information regarding this filing may be obtained by contacting Ramona Lee, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1649. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Provisions of Act 115; Notice No. 1996-17**

Act 115 of 1996, recently signed into law, contains certain provisions relevant to the Insurance Department. The law provides for temporary motor vehicle registration cards, requires proof of insurance for snowmobile operators and establishes a blood alcohol level of 0.02% for minors to prove a violation of driving under the influence. This notice describes the pertinent provisions of this new law.

Policyholders can now lower their insurance premiums on cars which they only use during part of the year. The Department of Transportation now offers a seasonal registration, whereby a consumer can obtain a registration for less than 12 months (for example, summer months only). The consumer is then obligated to insure the vehicle only for the months during which the registration is active. No insurance coverage is applicable during the part of the year in which the vehicle is not registered.

Operators of snowmobiles must now have proof of insurance available if they operate a snowmobile which is required to be registered. Only insurance offered by admitted carriers can satisfy this requirement. The insurance must be carried on the operator's person or posted on the snowmobile. Snowmobile owners cannot permit the vehicle to be operated without having in effect the required liability coverage.

Finally, a noteworthy provision of Act 115 provides that minors commit the violation of driving under the influence if their blood alcohol is 0.02% or greater. The former standard was 0.10%, which limit is still applicable to adults.

Questions regarding the provisions of Act 115 may be directed to Carolyn Montgomery, Director, Bureau of

Consumer Services, 1321 Strawberry Square, Harrisburg, PA 17120, (717) 783-2153.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1650. Filed for public inspection September 27, 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 Nicholas Souchik, II; file no. 96-121-05441; American Alliance Insurance Company; doc. no. P96-09-021; October 22, 1996, at 11 a.m.;

Appeal of Maryalyce Rensa; file no. 96-121-5092; State Farm Mutual Automobile Insurance Company; doc. no. P96-09-025; October 23, 1996, at 1 p.m.;

Appeal of Samuel Forlines, Jr.; file no. 96-121-05532; State Farm Fire & Casualty Insurance Company; doc. no. P96-09-026; October 23, 1996, at 2 p.m.;

Appeal of Joseph and Linda Cook; file no. 96-121-05904; Erie Insurance Company; doc. no. P96-09-018; October 24, 1996, at 9 a.m.;

Appeal of Salvatore Bologna; file no. 96-188-05819; Allstate Insurance Company; doc. no. P96-09-017; October 24, 1996, at 10 a.m.;

Appeal of Charles T. Grugan; file no. 96-264-35256; Allstate Insurance Company; doc. no. PH96-09-020; October 24, 1996, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1651. Filed for public inspection September 27, 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 John Gadd; file no. 96-121-05584; Nationwide Insurance Company; doc. no. P96-09-024; October 22, 1996, at 1 p.m.;

Appeal of Robert and Corene Miller; file no. 96-121-05529; Donegal Mutual Insurance Company; doc. no. P96-09-023; October 22, 1996, at 2 p.m.;

Appeal of Louis and Sandra Lambert; file no. 96-121-05394; Prudential Property & Casualty; doc. no. P96-09-022; October 24, 1996, at 1 p.m.;

Appeal of James Wetzel; file no. 96-280-33768; Charter Oak Fire Insurance Company; doc. no. PH96-09-019; October 24, 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. 96-1652. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Revisions to Individual Personal Choice Programs;  
Filing No. 12-P-96**

Independence Blue Cross and Pennsylvania Blue Shield submitted filing no. 12-P-96, that requests approval of certain revisions to Personal Choice Contract Forms 4037 and 5077 for experience-rated and community-rated groups. Modifications include enhancements to both adult and pediatric preventive care schedules; the addition of a definition and exclusion of "maintenance-type" services; modification of the defined terms which indicate the method by which subscribers' coinsurance is calculated; the inclusion of routine circumcision services for community-rated programs; clarification of exclusions for foot care, personal hygiene and convenience items; and the deletion of the exclusion of family counseling facility charges; and the addition of several prescription drug copayment options. Rating for community-rated Personal Choice programs was submitted August 30, 1996, under Independence Blue Cross/Pennsylvania Blue Shield Filing No. 10-P-96.

Copies of the filing are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg. This filing consists of 144 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1653. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Revisions to Individual Personal Choice Programs;  
Filing No. 13-P-96**

Independence Blue Cross and Pennsylvania Blue Shield submitted filing no. 13-P-96, that requests approval of certain revisions to Personal Choice Contract Forms #5031, #5032 and #5475, for the direct pay market. Modifications include enhancements to both adult and pediatric preventive care schedules; the addition of a definition and exclusion of "maintenance-type" services; modification of the defined terms which indicate the method by which subscribers' coinsurance is calculated; the inclusion of routine circumcision services; clarification of exclusions for foot care, personal hygiene and convenience items; and the deletion of the exclusion for family counseling facility charges. Rating for the individual Personal Choice programs was submitted August 30, 1996, under Independence Blue Cross/Pennsylvania Blue Shield Filing No. 7-P-96.

Copies of the filing are available for public inspection, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg. This filing consists of 30 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311

Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1654. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Sales Purchases, Exchanges, Loans, Extensions  
of Credits, Guarantees, Investments, Surplus  
Infusion, Dividends or Distributions, Reinsur-  
ance and Other Transactions**

Sales, Purchases, Exchanges, Loans, Extensions of Credits, Guarantees, Investments, Surplus Infusion, Dividends or Distributions, Reinsurance and other transactions which require the prior approval of the Insurance Commissioner as mandated by the Insurance Company Law of 1921 (40 P.S. § 991.1401 et seq.) should be submitted to the Department on or before November 1 if the filer requires approval on or before December 31. Filings made after November 1 cannot be guaranteed appropriate review and disposition by the Department by December 31. Questions or comments should be directed to Kaushik K. Patel or John W. White, Insurance Department, Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-5890.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1655. Filed for public inspection September 27, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0297, Village Shopping Center, 1874 Homeville Road, West Mifflin, PA 15122-3650.

*Lease Expiration Date:* June 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,600 net useable square feet of new or existing retail commercial space within 1.0 mile of the Homeville Road and Homestead Duquesne Road intersection in West Mifflin Borough. Free off-street parking and good loading facilities are required.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Butler County, Wine & Spirits Shoppe #1007, Cranberry Mall Suite 20, 20111 Rt. 19, Cranberry Twp., PA 16066-6207.

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a shopping center environment. Store-room should be located within 0.5 mile of the intersection of Route 19 and Route 28 in Cranberry Township.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1109, 465 Magee Avenue, Patton, PA 16668-1227.

*Lease Expiration Date:* July 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space in the commercial district of Patton.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Greene County, Wine & Spirits Shoppe #3002, 202 E. George Street, Carmichaels, PA 15320-1204.

*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 net useable square feet of new or existing retail commercial space serving the Carmichaels area. The space should have good loading and parking facilities.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

McKean County, Wine & Spirits Shoppe #4206, Mt. Jewett, PA 16740-0215.

*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 1,200 net useable square feet of new or existing retail commercial space fronting U. S. Route 6 with free parking serving the Mt. Jewett area.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Mercer County, Wine & Spirits Shoppe #4308, 106 Pine Grove Square, Grove City, PA 16127-9734.

*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 2,500 to 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment in Grove City.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Washington County, Wine & Spirits Shoppe #6304, 105 3rd Street, Charleroi, PA 15022-1425.

*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 3,000 net useable square feet of new or existing retail commercial space in the Charleroi Business District.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

Washington County, Wine & Spirits Shoppe #6312, Front Street, Fredericktown, PA 15333-0874.

*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 2,000 net useable square feet of new or existing retail commercial space in the Fredericktown area. This space should have good loading facilities and off-street parking.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6505, 328 Central City Plaza, New Kensington, PA 15068-6441.

*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 2,500 to 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving downtown New Kensington.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

The Liquor Control Board seeks the following new site:

Venango County, Wine & Spirits Shoppe #6103, Cranberry or Venango Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Penn-

sylvania Liquor Control Board with approximately 2,000 new useable square feet of new or existing retail commercial space in Cranberry or Venango Township within 0.5 mile of the Route 322 and Route 257 intersection. The space should have good loading and free parking facilities.

*Proposals due:* November 1, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1656. Filed for public inspection September 27, 1996, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Water Pollution Control Revolving Fund Projects; Federal FY 1997 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PIIA) and the Department of Environmental Protection have prepared the Federal fiscal year 1997 Intended Use Plan (IUP) list of municipal sewerage projects to be considered for a construction loan from funds Pennsylvania expects to receive from fiscal year 1997 Federal appropriation Acts to capitalize the Water Pollution Control Revolving Fund (WPCRF) program.

The projects to be considered for a loan from the WPCRF must meet the Federal requirements for funding in accordance with Title II and Title VI of the Water Quality Act. Accordingly, the projects included in the IUP are rated under Pennsylvania's approved project priority rating system and are expected to meet the requirements applicable for the use of the WPCRF loan funds. Projects listed on the FY 1997 IUP list are on Pennsylvania's approved FY 96/97 Project Priority List and have or are expected to proceed to construction in the near future. Any project removed from an IUP is maintained on the Project Priority List unless otherwise completed.

The FY 1997 IUP has 18 municipal sewage construction projects listed with a total dollar value of approximately \$ 59.7 million. The WPCRF will be capitalized with approximately \$51.3 million of Federal FY 1997 funds from the Environmental Protection Agency and approximately \$10.5 million of State funds. Some \$2.1 million will be set aside for program administration costs. After public review and assessment of comments received, the Final FY 1997 IUP will be completed, and potentially, it may include other projects from the Project Priority List.

A project must appear on the PIIA approved IUP before it can receive a loan from the WPCRF. The IUP was

developed in accordance with the ranking criteria listed in section 10(b) of Act No. 1988-16. These ranking criteria differ somewhat from the Chapter 103 project priority rating system, as does the methodology used to evaluate projects. In addition, a project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the Project Priority List does not dictate the order in which they will be chosen for inclusion in the IUP.

Federal guidance and regulations on development of the Intended Use Plan direct that the list be subject to public comment and review before being submitted to the U.S. Environmental Protection Agency.

Interested persons may submit written comments to the Department regarding this IUP or the priority rating or ranking of projects on the IUP. Persons wishing to offer comments should mail them to the Administrative Services Section, Division of Municipal Planning and Finance, Bureau of Water Quality Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, telephone (717) 787-6744, or by Internet E-Mail (Maisano.Tony@a1.dep.state.pa.us) by 4 p.m., October 28, 1996.

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

The FY 1997 IUP follows this notice.

A copy of the FY 1997 Intended Use Plan is available by obtaining a copy of the *Pennsylvania Bulletin* and is available for public review in the Administrative Services Section office and in the following offices:

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

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

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

Northcentral Region: Water Management Program Manager, 208 West 3rd Street, Williamsport, PA 17701, (717) 327-3669.

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

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

PENNVEST, 22 S. Third Street, 4th Floor, Keystone Building, Harrisburg, PA 17101, (717) 787-8137.

JAMES M. SEIF,  
*Secretary*

*Department of Environmental Protection*

PAUL K. MARCHETTI,  
*Executive Director*

*Pennsylvania Infrastructure Investment Authority*

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FY 1997 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION
- FL EQ — FLOW EQUALIZATION BASIN

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FY 1997 INTENDED USE PLAN PROJECT LIST  
SEPTEMBER 28, 1996

APPLICANT NAME ADDRESS CITY		COUNTY	PROJECT TYPE	PROJECT NUMBER	
NEEDS CATEGORIES	STATE	ZIPCODE	NPDES PERMIT NUMBER	PRIORITY RATING	PROJECT RANKING
I: IVA:	II: IVB:	III A: V:	III B:	ELIGIBLE PROJECT COST	
ALLEGHENY TWP M A COMMUNITY BUILDING LEECHBURG		WESTMORELAND	SS	CS421951-01	
I: \$0 IVA: \$1,370,000	PA II: \$0 IVB: \$0	15656	III A: \$0 V: \$0	III B: \$0	23 155 \$1,370,000
AVONDALE BOROUGH P O BOX 263 AVONDALE		CHESTER	STPMOD PA0025488	CS421644-01	
I: \$1,646,000 IVA: \$0	PA II: \$0 IVB: \$0	19311	III A: \$0 V: \$0	III B: \$0	34 67 \$1,646,000



APPLICANT NAME ADDRESS CITY		STATE		COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER				PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES		NEEDS CATEGORIES		NEEDS CATEGORIES		NEEDS CATEGORY		ELIGIBLE PROJECT COST		
I: IVA:		II: IVB:		IIIA: V:		IIIB:				
BLACK CREEK TWP BOX 3 ROCKGLEN		PA		LUZERNE 18246	SS STP INT				CS421724-01	
I: \$1,277,000		II: \$0		IIIA: \$0		IIIB: \$0		44	13	
IVA: \$1,674,000		IVB: \$365,000		V: \$0				\$3,316,000		
CRANBERRY TWP MUN W & S AUTH 2525 ROCHESTER RD SUITE 700		PA		BUTLER 16066	STPMOD PA0024571				CS421917-01	
I: \$0		II: \$12,604,090		IIIA: \$0		IIIB: \$0		19	217	
IVA: \$0		IVB: \$0		V: \$0				\$12,604,090		
DUBLIN TWP SUPERVISORS HC 75 BOX 240		PA		FULTON 17223	STP,SS				CS421813-01	
I: \$600,000		II: \$0		IIIA: \$0		IIIB: \$0		47	9	
IVA: \$1,962,000		IVB: \$0		V: \$0				\$2,562,000		
EAST HUNTINGDON TOWNSHIP ALVERTON		PA		WESTMORELAND 15612	STP INT SS PS				CS421953-01	
I: \$890,000		II: \$0		IIIA: \$0		IIIB: \$0		7	280	
IVA: \$2,490,000		IVB: \$250,000		V: \$0				\$3,630,000		
GIRARD TWP BOS RR 1 BOX 394 FRENCHVILLE		PA		CLEARFIELD 16836	STP INT SS				CS421890-01	
I: \$226,742		II: \$0		IIIA: \$0		IIIB: \$0		12	262	
IVA: \$526,367		IVB: \$56,686		V: \$0				\$809,795		
MOUNT UNION MUNICIPAL AUTH PO BOX 90, 9 W MARKET STREET MOUNT UNION		PA		HUNTINGDON 17066	STPMOD				CS421867-01	
I: \$8,800,000		II: \$0		IIIA: \$0		IIIB: \$0		20	198	
IVA: \$0		IVB: \$0		V: \$0				\$8,800,000		
NORTH UNION TWP BOX 5 NUREMBERG		PA		SCHUYLKILL 18241	STP				CS421735-01	
I: \$270,000		II: \$0		IIIA: \$0		IIIB: \$0		51	5	
IVA: \$0		IVB: \$170,000		V: \$0				\$440,000		
NORTHEASTERN SCHUYLKILL JMA RR1 GRIER CITY BARNESVILLE		PA		SCHUYLKILL 18214	STP PS SS				CS421947-01	
I: \$320,000		II: \$0		IIIA: \$0		IIIB: \$0		31	95	
IVA: \$0		IVB: \$0		V: \$0				\$320,000		

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY PROJECT RATING RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST
ROULETTE TOWNSHIP P O BOX 153 ROULETTE	PA	POTTER 16746	STP,SS	CS421466-01 29 116
I: \$366,000 IVA: \$2,203,000	II: \$0 IVB: \$0	III: V:	\$0 \$0 IIIB: \$0	\$2,569,000
SMITHTON BOROUGH MUN AUTH P O BOX 288 SMITHTON	PA	WESTMORELAND 15479	STP,INT,SS PA0024881	CS421496-01 38 32
I: \$1,168,000 IVA: \$1,816,000	II: \$0 IVB: \$222,000	III: V:	\$0 \$0 IIIB: \$0	\$3,206,000
SOUTHWEST DEL CO EAGLE CK P O BOX 2081 ASTON	PA	DELAWARE 19014	PS	CS421609-01 32 79
I: \$0 IVA: \$5,122,500	II: \$0 IVB: \$0	III: V:	\$0 \$0 IIIB: \$0	\$5,122,500
SUMMERVILLE BOROUGH PO BOX 277 SUMMERVILLE	PA	JEFFERSON 15864	STP SS PS	CS421912-01 24 153
I: \$683,000 IVA: \$1,805,000	II: \$0 IVB: \$0	III: V:	\$0 \$0 IIIB: \$0	\$2,488,000
SYKESVILLE BOROUGH 21 EAST MAIN STREET SYKESVILLE	PA	JEFFERSON 15865	STP,SS	CS421589-01 21 188
I: \$1,167,000 IVA: \$3,549,000	II: \$0 IVB: \$0	III: V:	\$0 \$0 IIIB: \$0	\$4,706,000
UPPER POTTS GROVE TOWNSHIP 1420 HEATHER PLACE POTTSTOWN	PA	MONTGOMERY 19464	INT	CS421850-01 29 109
I: \$0 IVA: \$209,338	II: \$0 IVB: \$210,662	III: V:	\$0 \$0 IIIB: \$0	\$420,000
WALKER TWP SUPERVISORS RR 2 BOX 195 MIFFLINTOWN	PA	JUNIATA 17059	STP,SS	CS421838-01 55 2
I: \$1,190,000 IVA: \$2,402,000	II: \$0 IVB: \$0	III: V:	\$0 \$0 IIIB: \$0	\$3,592,000
WEST PENNSBORO TOWNSHIP 2150 NEWVILLE ROAD CARLISLE	PA	CUMBERLAND 17013	STP SS PA0046221	CS421533-01 21 193
I: \$1,016,000 IVA: \$1,105,000	II: \$0 IVB: \$0	III: V:	\$0 \$0 IIIB: \$0	\$2,121,000

PENNSYLVANIA BULLETIN, VOL. 26, NO. 39, SEPTEMBER 28, 1996

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Fuel Cost Adjustment Statement; Doc. Nos.: M-FACG9601, 9602, 9603, 9605, 9606, 9607

This notice is to inform the public that the following companies:

Carnegie Natural Gas Company

Apollo Gas Company

Honesdale Gas Company

Valley Cities Gas Service

Gasco Distribution Systems, Inc.—Kane Division

Pike County Light and Power Company—Gas

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment clause (Fuel Cost Adjustment) for the 12 month period ending June 30, 1996.

The filing of these statements is required by section 1307(e) of the Public Utility Code, 66 Pa.C.S. § 1307(e).

The Pennsylvania Public Utility Commission has scheduled an initial hearing on Friday, November 1, 1996, at 10 a.m. in a Commission Hearing Room, Ground Floor, North Office Building, Harrisburg, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1658. Filed for public inspection September 27, 1996, 9:00 a.m.]

### Merger Without Hearing

**A-310176 F0003. WorldCom, Inc. and MFS Communications Company, Inc.** Application of WorldCom, Inc., and MFS Communications Company, Inc., for approval of agreement and plan of merger, and related transactions.

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 October 15, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Jean L. Kiddoo, Esquire, Phyllis A. Whitten, Esquire, Swidler and Berlin, Chartered, MFS Communications Company, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007; Brad E. Mutschelknaus, Esquire, Marieann Z. Machida, Esquire, Kelley, Drye and Warren, LLP, WorldCom, Inc., 1200 19th Street, Suite 500, Washington, D.C. 20036.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1659. Filed for public inspection September 27, 1996, 9:00 a.m.]

## SEPTA—Maintenance of Crossings; Rescheduled Hearings

The Commission hereby gives notice that the following hearings which have been previously noticed in the *Pennsylvania Bulletin* at 26 Pa.B. 3784, 4386 and 4387, have been rescheduled as indicated below:

Docket No: I-00960048 (AAR 531 107 T)  
Rescheduled: Wednesday, December 11, 1996, at 10 a.m.

Docket No: I-00960053 (AAR 592 622 K)  
Rescheduled: Tuesday, December 17, 1996, at 10 a.m.

Docket No: I-00960054 (AAR 589 948 X)  
Rescheduled: Tuesday, December 17, 1996, at 1 p.m.

Docket No: I-00960055 (AAR 530 114 A)  
Rescheduled: Wednesday, December 18, 1996, at 10 a.m.

Docket No: I-00960056 (AAR 593 122 R)  
Rescheduled: Thursday, November 21, 1996, at 10 a.m.

Docket No: I-00960057 (AAR 593 995 J)  
Rescheduled: Thursday, November 21, 1996, at 10 a.m.

Docket No: I-00960058 (AAR 593 993 V)  
Rescheduled: Thursday, November 21, 1996, at 10 a.m.

Docket No: I-00960059 (AAR 592 813 V)  
Rescheduled: Thursday, December 19, 1996, at 10 a.m.

Docket No: I-00960060 (AAR 589 933 H)  
Rescheduled: Thursday, December 19, 1996, at 10 a.m.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1660. Filed for public inspection September 27, 1996, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 21, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

### Applications of the following for the approval of the transfer of stock as described under each application.

**A-00108973, F. 5000. Hanna Transfer Company-North** (1300 First Street, P. O. Box 1148, Oil City, Venango County, PA 16301), a corporation of the Commonwealth of Pennsylvania—stock transfer—for approval of the transfer of all issued and outstanding stock from Ruben L. Horne (108,088 shares) and John S. May (108,088 shares) to William P. Moon (108,088 shares) and Mark J. Schettler (108,088 shares). *Attorney:* Henry W. Gent, III, 314 Park Avenue, Franklin, PA 16323.

### Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

**A-00113362. Trans-Assist, Inc.** (2466 Carriage Drive, Lancaster, Lancaster County, PA 17601), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Lancaster, Lebanon, Luzerne, Lycoming, Montgomery, Montour, Northampton, Perry, Philadelphia, Schuylkill and York. *Attorney:* Nancy Mayer Hughes, 126 East King Street, Lancaster, PA 17602.

**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 of rights as described under each application.**

**A-00113363. Thomas L. Boyd** (700 Grant Avenue, Duquesne, Allegheny County, PA 15110)—as a Class B carrier, household goods in use, between points in the city of Pittsburgh, Allegheny County, and within an airline distance of 3 miles of the limits of said city; (2) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued at A-00111447 to Michael R. Barry, subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00110791, Folder 1, Am-A. J. J. Serafin, Inc., t/d/b/a AAAA Limo Service** (14 Dennison Street, Forty Fort, Luzerne County, PA 18704), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in Luzerne County, and from points in said county to points in Pennsylvania and return; *so as to permit* the transportation of persons in limousine service between points in the counties of Lackawanna and Monroe, and from points in said counties to points in Pennsylvania and vice versa. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110.

**A-00109523, Folder 1, Am-C. Ryder Student Transportation Services, Inc., t/d/b/a Ryder Transportation** (3600 N.W. 82nd Avenue, Miami, FL 33166), a corporation of the State of Florida—persons in group and party service in school bus equipment, between points in the county of Erie, and from points in said county to points in Pennsylvania; subject to the following condition: That no right, power or privilege is granted to utilize vehicles with a seating capacity of 14 passengers or less, excluding the driver, when providing transportation between points in Erie County; *so as to permit* the transportation of persons, in group and party service, in school bus-type equipment, between points in the county of Montgomery and from points in said county to points in Pennsylvania. *Attorney:* David H. Radcliff, 2216 Walnut Street, Harrisburg, PA 17103.

**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 October 15, 1996.

- A-00113364 James Darwin Wilson, t/d/b/a Dar-Lo Farms  
R. D. 2, Box 335, Millville, PA 17846
- A-00113370 Joseph Hohol, t/d/b/a Hohol Trucking & Excavating  
121 North 12th Street, Connellsville, PA 15425
- A-00113373 Eastern Freight Ways, Inc.  
310 Hollywood Avenue, South Plainfield, NJ 07080
- A-00113374 Richard W. Fulmer, t/d/b/a Fulmer's Storage Trailers  
R. R. 2, Box 141, Williamsport, PA 17701
- A-00113376 James Arden Ellenberger, t/d/b/a Berger Trucking  
R. R. 2, Box 71, Troy, PA 16947
- A-00113377 Robert V. Laukhuff, t/d/b/a Laukhuff Trucking  
190 Loop Road East, Pequea, PA 17565
- A-00113378 Ronald Scott Paulson, t/d/b/a RSP Towing  
6250 Main Street, Cambridge, PA 19344

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1661. Filed for public inspection September 27, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-211310 F2000. Hillside Estates Water Company.** Application of Thomas R. Ernst, Sr., owner of Hillside Estates Water Company, for approval of the total abandonment of water service by Hillside Estates Water Company, to the public in its current service territory located in Hillside Estates, Riverside, 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 October 14, 1996, under 52 Pa. Code (relating to public utilities).

*Applicant:* Thomas R. Ernst, Sr., 2169 Old Berwick Road, Bloomsburg, PA 17815.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1662. Filed for public inspection September 27, 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

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

### Commodities

**8217030** Chemicals and chemical products—50 drums, 1,1,1, Trichloroethane (Dow Chloroethane SM) 600 lb. drums, Dow or Vulcan brand only, no substitutes.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503360** Engines, turbines and components—various amounts; PTO reducer and hydraulic pump w/appropriate accessories.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1290206** Envelopes/various sizes—12M; envelopes, evidence, expanding, 40 lb. brown manila Kraft.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1284046** Envelopes/various sizes—60M; Form AAO-1 license self mailer size: 8 1/2 x 4 2/3 overall; 7 19/32 x 4 2/3 detached.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA 17110-9408  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1285046** Envelopes/various sizes—60M; Form AAO-2 application renewal with return envelope, self mailer.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA 17110-9408  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1273116** Foods—520 bags; kidney beans, dark red—360 bags; dry pea beans.

**Department:** Corrections  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1289116** Medical, dental and veterinary equipment and supplies—9 each; air line respirators Scott (no substitute) w/appropriate accessories.

**Department:** Corrections  
**Location:** Various  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1277116** Textiles, leathers and furs—5,000 yards; overcoat material; 50% tri-lobal nylon; 50% spun rayon; Zepel treated on face, polyurethane treated on back; 9.5 oz. to 11 oz. per square yard; color: navy; width: 60" only.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16654-1112  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1296186** Trucks and construction vehicles—1 each; 1997 medium duty van body truck.

**Department:** Lottery Commission  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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# SERVICES

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## Agricultural Services—02

**300742** Weed control: this service is to apply two applications of formulated materials to control weeds. First application to be applied between May 1 and June 30. The second application to be applied between September 1 and October 31 to approximately 55 acres to effectively control plantain, crab grass, dandelion, chickweed, etc.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** May 1, 1997 to October 31, 1999  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

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## Audio/Video—04

**20-96-04** Maintenance and repair of Pennsylvania State Police radio and microwave communications system.

**Department:** State Police  
**Location:** Statewide  
**Duration:** April 1, 1997 through March 31, 2002  
**Contact:** Ron Wilt, (717) 783-5508

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**COMM-01** The contractor shall supply labor and parts for maintenance and servicing of various two-way radio equipment.

**Department:** Corrections  
**Location:** State Correctional Institution at Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** 11/01/96 to 10/31/96  
**Contact:** Diane K. Davis, Purchasing Agent, (814) 378-1000

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## Computer Related Services—08

**Project No. 96-04** "CADD Maintenance Contract." PennDOT uses its CADD system to develop contract drawings for construction projects, cartographic mapping, photogrammetric mapping, graphics for the Governor's Office, economic development and industrial site maps, corridor study maps for safety initiatives, survey and photogrammetric plan sheets and geographic information systems. The equipment and software for the system is located in 14 sites throughout PA. The performance and continuous operation of the CADD system is of the utmost importance so that production is not impeded. Detailed requirements and an RFP are available upon request. FAX requests to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, 500 North Third Street, Harrisburg, PA 17120  
**Duration:** 1 year with renewals  
**Contact:** Tina Chubb, (717) 787-7001

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**OB-CO-96-1** The Office of the Budget is requesting proposals to provide a credit card travel payment system with which Commonwealth personnel may obtain travel-related services using a credit card.

**Department:** Office of the Budget  
**Location:** Comptroller Operations, Worldwide  
**Duration:** 3 years, with options to extend for 2 additional 1-year periods  
**Contact:** Harvey C. Eckert, (717) 787-6496

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**X102266** Provide Department of Environmental Protection engineering staff members with training (2-4 courses, 3 day course length) in the use of the HEC-RAS River Analysis Program. HEC-RAS is the current state-of-the-art program for water resource analysis and design.

**Department:** Environmental Protection  
**Location:** Within a 20-mile radius of Harrisburg, PA  
**Duration:** Through 6-30-97  
**Contact:** Ally Castaneira, (717) 787-2471

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## Construction and Construction Maintenance—09

**080924** Lackawanna, Luzerne, Pike, Susquehanna, Wayne, and Wyoming Counties; Group 4-97-LT1; yearly lighting maintenance contract.

**Department:** Transportation  
**Location:** District 4-0  
**Duration:** FY 1996/97  
**Contact:** V. C. Shah, (717) 787-5914

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**080923** Sullivan County, State Route 220, Section 59M.

**Department:** Transportation  
**Location:** District 3-0  
**Duration:** FY 1996/97  
**Contact:** Paul W. Beaver, Contract Management Supervisor, (717) 368-4263

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**080922** Erie County, SR 20 (B00); Lycoming County, SR 2023 (10M); Lycoming County, SR 2039 (001); Lackawanna County, SR 632 (202); Luzerne County, Wilkes-Barre Boulevard; Luzerne County, SR 415 (302); Lehigh County, SR 145 (01B); District Wide, Group 6-96-SGN; Montgomery County, SR 309 (PED); Indiana County, SR 56 (451); Indiana County, SR 3031 (450); Allegheny County, Group 111-96-7135-2.

**Department:** Transportation  
**Location:** Districts 1-0, 3-0, 4-0, 5-0, 6-0, 10-0, 11-0  
**Duration:** FY 1996/97  
**Contact:** V. C. Shah, (717) 787-5914

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**SP 313859** Asphalt paving—The contractor shall provide all labor, materials, and equipment necessary to pave two additional parking areas on the hospital grounds. Areas will total approximately 422 square yards. Complete details and specifications are available from the hospital upon request.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565  
**Duration:** November 1, 1996 through January 31, 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

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**Contract No. FDC-318-194** Provide and place approximately 1,300 tons of ID-2 Bituminous Wearing Coarse Material and 200 tons of 2A Aggregate at Canoe Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Franklin Township, Blair County  
**Duration:** Complete all work by May 16, 1997  
**Contact:** Construction Management Section, (717) 787-5055

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**Project No. DGS 163-20** Project title: Construction of Bicycle Facilities. Brief description: install approximately four (4) miles of bituminous paved bicycle trail. Miscellaneous 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, October 16, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Presque Isle State Park, Erie, Erie County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

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**Drafting and Design Services—12**

**MI-677** Millersville University of the State System of Higher Education will select a firm to provide professional design services for the Master Planning Services, Project MI-677. Interested professionals should request a Request for Proposal (RFP) from: Bernadette Wendler, Office of the Vice President for Finance and Administration, Millersville University, P. O. Box 1002, Millersville, PA 17551-0302, telephone (717) 872-3829 or FAX (717) 872-3846. RFP's are due on October 18, 1996. The System encourages responses from small firms, minority firms, women-owned firms, and firms that have not previously worked for the System and will consider joint ventures that will enable these firms to participate in System professional service contracts. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, Lancaster, PA 17551-0302  
**Duration:** 01/01/97—01/01/98  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**Engineering Services and Consultation—14**

**CU.7905 and CU.9706** Cheyney University of PA of the State System of Higher Education is interested in obtaining the services of Design professionals to provide Open-Ended Architectural and Open-Ended Engineering Services for a 1-year period, renewable up to three years. Interested professionals can obtain the Cheyney University Request for Interest from Karen Davis at (610) 399-2298 or FAX (610) 399-2056. Proposals from the professionals are due on October 24, 1996 at 2:00 p.m. at the Facilities Management Office, Jones-Hilton Building. The System encourages responses from small firms, minority firms, women-owned firms and firms which have not previously performed work for the System and will consider joint ventures.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** Multiple years  
**Contact:** Antonia Williams, (610) 399-2360

**Environmental Maintenance Services—15**

**OSM 03(0612)104.1** Mine Subsidence Control Project, Leechburg IV. Involves an estimated 16,900 of overburden drilling and casing, 52,000 L. F. of 4 inch air rotary drilling and casing and injection of an estimated 159,600 ton of material consisting of cement, fly ash and sand through 788 injection boreholes. 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:** Leechburg Borough, Armstrong County, PA  
**Duration:** 545 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Food—19**

**96-036** Poultry and poultry products as follows: 500 lbs. chicken sandwich steaks; 500 lbs. frying chicken, split breast; 250 lbs. poultry meat—turkey, diced cooked; 400 lbs. chicken tenders—breaded strips; 1000 lbs. frying chickens—whole legs; 300 lbs. chicken patties; 300 lbs. chicken breast fillet; 2000 lbs. turkey, raw, breast, unseasoned; 1000 lbs. turkey ham, smoked picnic; 400 lbs. turkey breast, boneless, fully cooked; 250 lbs. turkey bologna; 400 lbs. sausage, turkey, breakfast patties; 150 lbs. turkey bacon, precooked; 250 lbs. turkey bacon, Canadian style. Bids will be awarded on an item to item basis.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoe Road, Bensalem, PA 19020  
**Duration:** November, 1996 through February, 1997  
**Contact:** Dorthia Claud-Williams, Purchasing, (215) 953-6412

**96-037** Meat and meat products as follows: 3000 lbs. beef, ground, regular; 480 lbs. steak, ribeye; 800 lbs. beef patties; 480 lbs. steaks, sandwich beef, wafer cut; 480 lbs. steaks, Swiss; 240 lbs. bacon, sliced; 450 lbs. sausage, breakfast, all beef, cooked, links; 500 lbs. bologna, all beef, sliced; 720 lbs. frankfurters, all beef. Bids will be awarded on an item for item basis. Bids will be open at this facility on October 17, 1996 at 2:30 p.m.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoe Road, Bensalem, PA 19020  
**Duration:** November, 1996 through February, 1997  
**Contact:** Dorthia Claud-Williams, Purchasing, (215) 953-6412

**620-96** Frozen entrees, various items for delivery November 1996 through February 1997. For more specifications, request bid proposal, Inquiry No. 620-96.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** November 1996—February 1997  
**Contact:** Sue Brown, Purchasing Agent, (610) 270-1026

**320-183941** Groceries and frozen foods.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** November 1, 1996 through January 31, 1997  
**Contact:** Jeanette Gualtieri, (814) 878-4930

**300694** Nutrition care dietitian—under the direction and in consultation with the Director of Dietary Services shall coordinate food acceptance surveys, tabulate the results and report all significant findings to the Dietary Director. The contractor under the direction and in consultation with the Director of Dietary Services shall conduct and or participate in the Q.A. activities, monitoring, tabulating and corrective action required.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** July 1, 1997 to June 30, 1999, a period of two years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**300747** Clinical dietitian—under the direction and in consultation with the Director of Dietary services, shall administer the clinical program. This work shall include the review and setting of clinical policy in accordance with JCAHO and ADA standards. The tasks assigned to the Clinical Dietitians, the coordination of the facility's Dysphagia project, and the development and coordination and integration of the Dietary aspect of patient education programs at the facility, also shall develop and administer the clinical Q.A. program.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** July 1, 1997 to June 30, 1999, a period of two years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435



**Fuel Related Services—20**

**FM06709602** Remove (2) Underground Storage Tanks (1,000 gallon capacity, Gasoline) and install (1) Above-Ground Tank (1,000 gallon capacity) with dispenser pump. To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526 (FAX (610) 562-6025).

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 1/1/97—6/30/97  
**Contact:** Irvin G. Reinert, Purchasing Agent, (610) 562-6031

**Contract No. FDC-104-209** Removal and disposal of 2—1,000 gallon gasoline and 1—1,000 diesel tanks and provide and install 1—2,000 gallon dual compartment fuel system (1,000 gallon gasoline and 1,000 gallon diesel), additional soil/water tests, and contaminated soil disposal. All work is located at Chapman State Park.

**Department:** Conservation and Natural Resources  
**Location:** Pleasant Township, Warren County, PA  
**Duration:** Complete all work by June 30, 1997  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-100-179** Removal and disposal of four 1,000 gallon and one 550 gallon gasoline tanks; provide and install two—2,000 gallon dual compartment and two—1,000 gallon above ground fuel systems; additional soil/water tests; and 50 c. y. of contaminated soil disposal. Work is located at four sites: Poe Valley, Ravensburg, Reeds Gap and R. B. Winter State Parks.

**Department:** Conservation and Natural Resources  
**Location:** Penn Township, Centre County; Crawford Township, Clinton County; Armagh Township, Mifflin County and Hartley Township, Union County, PA  
**Duration:** Complete all work by April 30, 1997  
**Contact:** Construction Management Section, (717) 787-5055

**Project No. DGS A 251-310** Project title: New Fuel Facility. Brief description: install one (1) 10,000 gallon aboveground fuel storage tank with fuel island and dispensing system. AST construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, October 16, 1996 at 11:00 A.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Building 159-5760, Centerville, Crawford County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Hazardous Material Services—21**

**1996-06** Qualified waste management firms to provide services to dispose of hazardous wastes located at the Bureau of Construction and Materials, 1118 State Street, Harrisburg, PA. Phone: (717) 787-3966. Service includes sampling, testing, identifying providing overpacks when necessary, load transporting and disposal. Bids must be submitted on the Commonwealth's Service Purchase Proposal/Contract form with required attachments which are to be obtained from PennDOT's Bureau of Construction and Materials Fiscal Office, 1118 State Street, Harrisburg, PA 17120. Phone (717) 783-6717.

**Department:** Transportation  
**Location:** 1118 State Street, Harrisburg, PA 17120  
**Duration:** 12/01/96—11/31/97  
**Contact:** Jeannie Platt, (717) 783-6717

**Heating, Ventilation, Air Conditioning—22**

**SU-433** Project title: SU-433: Student Recreation Facilities. Brief description: work included under this project consists of all labor, superintendence, materials, tools and equipment and performing all work necessary to complete all general, plumbing, and electrical construction of new student recreation facilities. Work will be completed at Shippensburg University, Shippensburg Township, Cumberland County, Pennsylvania. General construction shall consist of site work including regrading, new softball fields, volleyball and basketball courts, picnic pavilion, in-line skating pavilion with dasher board system, bituminous walks, and driveways. Plumbing construction shall provide new plumbing for toilet rooms at the picnic and in-line skating pavilion. Electrical construction shall provide new power, lighting, heating and ventilators for the picnic and in-line skating pavilion. Plans and specifications are available for a \$90 non-refundable fee from EI Associates, 2001 North Front Street, Building No. 3, Harrisburg, PA 17102 (Telephone: (717) 233-4556; FAX (717) 236-8256). Pre-bid meeting: 10/9/96, 1:30 p.m., Old Main Room 203A. Bids due: 10/25/96, 4:30 p.m. Bids open: 10/28/96, 2:00 p.m., Old Main Room 203A.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, Cumberland County, PA  
**Duration:** 240 calendar days after notice to proceed  
**Contact:** Edna Fenton, Contract Administrator, (717) 532-1121

**0102** All labor and materials to replace existing 5 kv 4160 volt oiled-filled manual switch with new 15kv/600 amp gas-filled manual vacuum switch on new concrete pad. Switch shall have a steel enclosure and meet NEC requirements. Cabling shall be installed from the new breaker to existing service transformer and to existing splice box. Documents containing all pertinent information must be obtained from the office listed below.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** Two weeks  
**Contact:** Antonia Williams, (610) 399-2369

**Janitorial Services—23**

**010306** Janitorial service for the Pennsylvania Department of Transportation, Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, Pennsylvania, 16323. Areas to be serviced consist of the following: front offices and restrooms, garage offices, garage lunch room and restroom, and basement conference room.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road, Franklin, PA 16323  
**Duration:** November 1, 1996 to October 31, 1997  
**Contact:** Michael T. Deibert, P.E., County Maintenance Mgr., (814) 432-3115

**Lodging/Meeting Facilities—27**

**X102267** Provide lodging, meals, and meeting facilities for the Department of Environmental Protection for one, three-week training session.

**Department:** Environmental Protection  
**Location:** Within a 25 mile radius of Harrisburg, PA  
**Duration:** Will take place within State Fiscal Year 1996-1997, with option to renew  
**Contact:** Ally Castaneira, (717) 787-2471

**Medical Services—29**

**205475** Provide prescription and non-prescription pharmaceuticals on a daily basis to the South West Secure Treatment Unit located on the grounds of Torrance State Hospital, Torrance, PA. Telephone the YDC New Castle purchasing department to request contract specifications, (412) 656-7310.

**Department:** Public Welfare  
**Location:** YDC New Castle, South West Secure Treatment Unit, Wiseman Building, TSH, State Route 1014, P. O. Box 94, Torrance, PA 15779  
**Duration:** 1-1-97 through 12-31-99 (24 months)  
**Contact:** Thomas E. Mateja, Purchasing Agent, (412) 656-7310

**LAU-SER015** Provide a mobile x-ray unit that shall include all equipment, supplies, radiologist and technician at State Correctional Institution Laurel Highlands for approximately 3 days per week.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631  
**Duration:** 11/01/96 through 9/30/97  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**320-298035** Provide Occupational Therapy Services for residents/patients of this facility. This service will begin January 1, 1997 and end on June 30, 1999. Additional information is available by contacting this agency.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** January 1, 1997 through June 30, 1999  
**Contact:** Jeanette J. Gualtieri, (814) 878-4930

**320-298036** Provide Psychiatric Services for residents/patients of this facility. This service will begin January 1, 1997 and end on June 30, 1999. Additional information is available by contacting this agency.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** January 1, 1997 through June 30, 1999  
**Contact:** Jeanette J. Gualtieri, (814) 878-4930

**320-298037** Provide Mental Health Services for residents/patients of this facility. This service will begin January 1, 1997 and end on June 30, 1999. Additional information is available by contacting this agency.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** January 1, 1997 through June 30, 1999  
**Contact:** Jeanette J. Gualtieri, (814) 878-4930

**96-42** Provide in-service training to psychiatric treatment team members at the State Correctional Institution Waymart Forensic Treatment Center through conducting case conferences, participating in treatment team meeting, and presenting lectures and seminars. Contractor may also be required to perform psychiatric consultations and provide second opinions. Services to be provided once a month during a six hour period.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** November 1, 1996 to October 31, 1997 (1 year renewal)  
**Contact:** John Ondash, (717) 488-2706

**300677** Special x-rays—to perform special radiologic studies for various sites, e.g. urinary tract and gastrointestinal. Special studies of various body sites and CAT scans of designated body sites. Studies will be conducted by qualified technicians with the interpretation being done by a Board Certified Radiologist.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** July 1, 1997 to June 30, 2000, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**Personnel—31**

**SWIF-7-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Philadelphia SWIF Office, 444 North 3rd Street, Philadelphia, Philadelphia County, PA 19123-4186  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-8-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Harrisburg SWIF Office, 1171 South Cameron Street, Room 111, Harrisburg, Dauphin County, PA 17104-2593  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-9-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Pottsville SWIF Office, 500 A South Centre Street, Pottsville, Schuylkill County, PA 17901-3512  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-10-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Sunbury SWIF Office, 216 North 6th Street, P. O. Box 706, Sunbury, Northumberland County, PA 17801-0706  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-11-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Pittsburgh SWIF Office, 710 Bingham Street, 3rd Floor, Pittsburgh, Allegheny County, PA 15203-1094  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-12-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Erie SWIF Office, 919 State Street, Suite 917, Erie, Erie County, PA 16501-1495  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-13-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Johnstown SWIF Office, Fisher Building, 607 Main Street, Johnstown, Cambria County, PA 15901-2196  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**SWIF-6-96** Provide temporary clerical services to State Workers' Insurance Fund (SWIF) on an as needed basis.

**Department:** Labor and Industry  
**Location:** SWIF, Home Office, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Lackawanna County, PA 18503  
**Duration:** 12-1-96 to 11-30-97  
**Contact:** Brian J. Finnerty, (717) 963-3130

**Property Maintenance—33**

**7200-0186** For the replacement of approximately 2700 square feet of ceiling tile and repair/replacement/cleaning of existing ceiling grid system. Bid package can be obtained from Driver Licensing Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Chambersburg Driver Exam Site, 190 Mill Road, Chambersburg, PA 17201  
**Duration:** 60 days, Bid opening date: 10/30/96 at 2:00 p.m.  
**Contact:** Bob Bruce, (717) 772-0570

**RBH-96** General contractor needed to refurbish residence. Plastering, heating system repairs, and renovation of kitchen will be part of the work required.

**Department:** Military Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** 1/1/97—6/30/97  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**FM06709605** Replace leveling dock of warehouse (Building No. 13). To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526 (FAX (610) 562-6025).

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 1/1/97—6/30/97  
**Contact:** Irvin G. Reinert, Purchasing Agent, (610) 562-6031

**FM07829604-8** Replace existing exterior doors on buildings with new doors or windows. To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526 (FAX (610) 562-6025).

**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 1/1/97—6/30/97  
**Contact:** Irvin G. Reinert, Purchasing Agent, (610) 562-6031

**FM-169** Furnish all labor, materials to remove snow, salting and cindering for the driveways and parking areas at the PA State Police, Gettysburg Station, 3033 Old Harrisburg Pike, Gettysburg, PA 17325. Dates: 11/01/96 to 06/30/97; 11/01/97 to 06/30/98. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Gettysburg Station, 3033 Old Harrisburg Pike, Gettysburg, PA 17325  
**Duration:** 11/01/96 to 06/30/98  
**Contact:** Joan Berkoski or Deshawn Lewis, Facility Management Division, (717) 783-5484

**FM-170** Furnish all labor, materials and remove snow, salting and cindering from driveway and parking area at the Lehigh Station, 5730 Interchange Road, Lehigh, PA 18235. Dates: 11/01/96 to 06/30/97. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Lehigh Station, 5730 Interchange Road, Lehigh, PA 18235  
**Duration:** 11/01/96 to 06/30/97  
**Contact:** Joan Berkoski or Deshawn Lewis, Facility Management Division, (717) 783-5484

**ESU405-431** ESU accepting bids on ESU405-431 Kemp Library lighting modifications. Electrical est. 85K. Bid specifications at \$25.00 payable to Entech Engineering, P. O. Box 32, Reading, PA 19603, call (610) 373-6667. Work consists of removing, disposal and replacement of magnetic ballasts, T12 lamp fixtures, holders, wiring and disposal of PCB parts. For special accommodations call Zaffy Zaffuto at (717) 422-3595. Responsible bidders including MBE/WBE firms are invited to bid.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 120 days ANP  
**Contact:** Entech Engineering, (610) 373-6667

**Project No. DGS 1577-6** Project title: Perimeter Fencing. Brief description: the project includes perimeter fencing, a perimeter road sallyport and control station. General and electrical construction. Plans deposit: \$75.00 per set. Payable to: Gibson-Thomas Engineering Co., Inc. 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: Gibson-Thomas Engineering Co., Inc., P. O. Box 853, Latrobe, PA 15650. Bid date: Wednesday, October 16, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** State Correctional Institution, Waynesburg, Greene County, PA  
**Duration:** 160 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**Real Estate Services—35**

**936A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Revenue with 3,228 useable square feet of new or existing office space in Newtown Square area, Delaware County, PA, with minimum parking for fourteen (14) vehicles, within the following boundaries: North: Route No. 3, South: Route No. 1; East: Route No. 320; West: Bishop Hollow Road/Ridley Creek Road. Proposals due: November 4, 1996. Solicitation No.: 92371.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**937A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 8,598 useable square feet of new or existing office space in Lycoming County, PA, with minimum parking for thirty-three (33) vehicles, within the Corporate Limits of Williamsport, PA. Proposals due: November 25, 1996. Solicitation No.: 92350.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**Sanitation—36**

**52** Contractor shall be responsible for the removal and disposal of all bulk construction waste from the Quehanna Boot Camp.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route No. 1011, Karthaus, PA 16845  
**Duration:** December 01, 1996 to June 30, 1999  
**Contact:** Carol Schaeffer, Purchasing Agent, (814) 765-0644, ext. 234

**Security Services—37**

**CEMS-01** Contractor to provide a one-year service agreement for the CEMS Building covering LS54L opacity monitor and one ML660 continuous monitoring system to comply with DEP regulations.

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** 11/01/96 to 10/31/97  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1000

**Vehicle, Heavy Equipment and Powered Machinery Services—38**

**5-037** The Pennsylvania Department of Transportation, District 5-0, 1713 Lehigh Street, Allentown, PA will hold a bid opening on October 18, 1996, at 10:00 a.m. The equipment to be bid will be used for maintenance work on State highways in Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill Counties, and will be used on an as-needed basis.

**Department:** Transportation  
**Location:** Berks, Carbon, Lehigh, Monroe, Northampton, Schuylkill Counties, PA  
**Duration:** 01/01/97 to 12/31/99  
**Contact:** Robert Kuzma, (610) 798-4181

**010307** Provide tire repair or replacement, and emergency services for the Pennsylvania Department of Transportation, Maintenance District 1-5, 1460 Pittsburgh Road, Franklin, PA 16323.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road, Franklin, PA 16323  
**Duration:** November 1, 1996 to October 31, 1997  
**Contact:** Michael T. Deibert, P.E., County Maintenance Manager, (814) 432-3115

**0400-TW** Completely degrease and steam clean Department of Transportation equipment such as tandem and single axle dump trucks, backhoes, loaders, graders, excavators, etc. on an as-needed basis within District 4-0's six-county area. Vendor must have the capability of cleaning equipment, capturing wash water in a confined area, and vacuum wash water from an impervious base into a tanker truck and dispose of it in an environmentally sensitive manner, conforming with all DEP and EPA standards and regulations in force in the Commonwealth of PA. Vendor is required to provide all necessary cleaning products, equipment, and is to bear cost of disposal of waste water. Department of Transportation will supply water for cleaning purposes and an impervious base in which to wash equipment. The Department will guarantee successful bidder a minimum of 7.5 hours work at each callout.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties, PA  
**Duration:** December 1, 1996 to November 30, 1999  
**Contact:** Gerald Pronko, (717) 963-4039

**Miscellaneous—39**

**3791-96** The contractor shall provide Chaplaincy service and counseling to inmate population of the Native American faith. This individual will be needed at least twelve (12) hours per week.

**Department:** Corrections  
**Location:** State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** November 1, 1996 through October 31, 1997  
**Contact:** Patrick F. Nichols, Purchasing Agent, (412) 852-5533

[Pa.B. Doc. No. 96-1663. Filed for public inspection September 27, 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 &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
1034206-01	09/16/96	Vanbortel	15,646.00	5610-25	09/11/96	Glacial Sand and Gravel, Inc.	182,605.00
1109156-01	09/16/96	Radiometer American, Inc.	29,250.00	5610-25	09/11/96	International Mill Service, Inc.	56,042.50
1147116-01	09/16/96	Parish Manu- facturing	20,956.32	5610-25	09/11/96	Slippery Rock Materials, Inc.	87,750.00
1157116-01	09/16/96	Ris Paper Co.	9,490.00	5610-25	09/11/96	Dick Enter- prises, Inc.	13,789.00
1164236-01	09/10/96	Conrad Indus- tries, Inc.	9,855.00	5610-25	09/11/96	H & H Materi- als	5,000.00
1167076-01	09/16/96	American De- cal and Mfg. Co.	13,520.00	5610-25	09/11/96	Meckleys Limestone Prod., Inc.	5,000.00
1195236-01	09/16/96	DRL Associ- ates	18,900.00	5610-25	09/11/96	M & M Lime Co.	5,000.00
1209216-01	09/16/96	Speciality Products and Insula- tion	11,511.47	5610-25	09/11/96	Buffalo Lime- stone, Inc.	5,000.00
2295165-01	09/16/96	Lancaster El- evators	19,500.00	5610-25	09/11/96	Codorus Stone and Supply Co., Inc.	5,000.00
5610-25	09/11/96	Carbon Fuel Resources, Inc.	75,700.00	5610-25	09/11/96	Hunlock Sand and Gravel	5,000.00
5610-25	09/11/96	Commercial Stone Co., Inc.	74,940.00	5610-25	09/11/96	Martin Lime- stone, Inc.	5,855.00
5610-25	09/11/96	Russell Miner- als, Inc.	18,505.00	5610-25	09/11/96	H & K Materi- als, Inc.	5,000.00
5610-25	09/11/96	Tri-Mark Min- erals Corp.	16,275.00	5610-25	09/11/96	Naceville Ma- terials	5,000.00
5610-25	09/11/96	Silver Hill Quarry	5,462.50	5610-25	09/11/96	Jay Fulkroad & Sons, Inc.	5,000.00
5610-25	09/11/96	J. Miller Eshleman & Son, Inc.	5,000.00	5610-25	09/11/96	New Milford Sand and Gravel, Inc.	5,000.00
5610-25	09/11/96	Wayne Gravel Products	5,000.00	5610-25	09/11/96	Glasgow, Inc.	5,000.00
5610-25	09/11/96	Source Awards Only		5610-25	09/11/96	Jamico Materi- als Div. of Haines & Kibblehouse, Inc.	5,000.00
5610-25	09/11/96	Tarmac Miner- als	8,340.00	5610-25	09/11/96	Common- wealth Stone, Inc.	5,000.00
5610-25	09/11/96	HB Mellott Estate	8,300.00	5610-25	09/11/96	Gernatt As- phalt Prod- ucts, Inc.	5,000.00
5610-25	09/11/96	Keystone Lime Co., Inc.	41,250.00	5610-25	09/11/96	Pikes Creek Sand and Stone, Inc.	5,000.00
5610-25	09/11/96	Union Quar- ries, Inc.	5,000.00	5610-25	09/11/96	Penn/Md. Ma- terials Div. of Haines & Kibblehouse, Inc.	5,000.00
5610-25	09/11/96	Davison Sand and Gravel Company	10,675.00				

## STATE CONTRACTS INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-25	09/11/96	Lancaster Stone Prod- ucts Corp.	5,000.00	5610-25	09/11/96	IA Construc- tion Corpo- ration	468,420.50
5610-25	09/11/96	Valley Quar- ries, Inc.	6,977.71	5610-25	09/11/96	Tionesta Sand and Gravel	35,770.00
5610-25	09/11/96	Rohrers Quarry	5,140.00	5610-25	09/11/96	Conneaut Lake Sand and Gravel, Inc.	11,460.00
5610-25	09/11/96	Milestone Ma- terials, Inc./ Bloomsburg	9,528.00	5610-25	09/11/96	M & M Stone, Inc.	4,712.50
5610-25	09/11/96	Milestone Ma- terials, Inc./ Boalsburg	114,540.50	5610-25	09/11/96	Eureka Stone Quarry, Inc./ Chalfont	21,500.00
5610-25	09/11/96	Milestone Ma- terials, Inc./ Lake Ariel	104,500.00	5610-25	09/11/96	Pennsy Sup- ply, Inc.	15,198.00
5610-25	09/11/96	Milestone Ma- terials, Inc./ Stroudsburg	149,802.50	5610-25	09/11/96	Better Materi- als Corp.	13,293.00
5610-25	09/11/96	Milestone Ma- terials, Inc./ Downingtown	14,500.00	5610-25	09/11/96	Keystone Ag- gregate Products	12,340.00
5610-25	09/11/96	National Limestone Quarry, Inc.	33,920.00	5610-25	09/11/96	Global Stone Penroc	7,287.00
5610-25	09/11/96	New Enter- prise Stone/ Lime Co., Inc.	436,925.00	5610-25	09/11/96	Tarmac America	5,250.00
5610-25	09/11/96	E. F. Lippert & Co., Inc.	126,900.00	5610-25	09/11/96	County Line Quarry, Inc.	6,420.00
5610-25	09/11/96	Glenn O. Hawbaker, Inc.	125,589.00	5610-25	09/11/96	Hempt Broth- ers, Inc.	5,000.00
5610-25	09/11/96	Lakeland Sand and Gravel	19,590.00	5610-25	09/11/96	State Aggre- gates, Inc.	258,610.00
5610-25	09/11/96	Milestone Ma- terials, Inc./ Montoursville	107,392.10	5610-25	09/11/96	Waylite Corp.	201,775.00
5610-25	09/11/96	Erie Aggre- gates, Inc.	46,268.00	5610-25	09/11/96	Porter Sand and Gravel	72,350.00
5610-25	09/11/96	R. W. Sidley, Inc.	29,600.00	5610-25	09/11/96	Wyoming Sand and Stone Co.	11,236.00
5610-25	09/11/96	Eastern Indus- tries, Inc./ West	110,082.00	5610-25	09/11/96	P Stone Inc.	84,304.00
5610-25	09/11/96	Hasbrouck Sand and Gravel Co.	62,635.00	5610-25	09/11/96	Rhinehart Sand and Gravel, Inc.	258,917.00
5610-25	09/11/96	Atlantic States Materials	11,250.00	5610-25	09/11/96	A. G. Kurtz & Sons, Inc.	5,635.00
5610-25	09/11/96	G. L. McKnight, Inc.	213,040.00	5610-25	09/11/96	American As- phalt Paving Co.	136,590.00
5610-25	09/11/96	Hoover Sand and Gravel Co.	38,740.00	5610-25	09/11/96	Eastern Indus- tries, Inc.	27,627.50
				5610-25	09/11/96	Martin Stone Quarries, Inc.	9,601.00
				5610-25	09/11/96	Berks Prod- ucts Corp.	6,950.00
				8503290-01	09/16/96	Cumberland Truck Equipment	5,375.00

## STATE CONTRACTS INFORMATION

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>	<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
8503290-02	09/16/96	Point Spring and Driveshaft Co., Inc.	13,475.00	9120-03	09/13/96	Utilicorp En- ergy Solu- tions, Inc.  GARY E. CROWELL, <i>Secretary</i>	43,425.00
9120-03	09/13/96	UGI Energy Services, Inc. D/B/A Gasmark	137,642.60				

[Pa.B. Doc. No. 96-1664. Filed for public inspection September 27, 1996, 9:00 a.m.]







# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 130b]

#### Nutrient Management Certification Program

The Department of Agriculture (Department) under the specific authority conferred by section 7(a) of the Nutrient Management Act (act) (3 P. S. § 1707(a)) adopts Chapter 130b (relating to nutrient management certification program).

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

The Department reviewed this order and considered its purpose and likely impact in accordance with Executive Order 1996-1, "Regulatory Review and Promulgation." This order creates the regulatory scheme for the nutrient management certification program as required by the act. This order also addresses a compelling public interest and is otherwise in compliance with Executive Order 1996-1.

#### *Notice and Comments*

Notice of proposed rulemaking was published at 25 Pa.B. 4365 (October 14, 1995). These regulations are being adopted with changes to the proposed rulemaking.

The Department received comments from 17 individual commentators from the public, including comments from Representative Raymond Bunt, Jr., Chairperson of the House Committee on Agriculture and Rural Affairs and from Representative Sheila Miller of the same committee. In addition, the Department received comments from the Independent Regulatory Review Commission (IRRC).

The various comments will be addressed on a section by section basis. The Department notes that many of the commentators commented on the same sections of the proposed regulations. Those comments will be consolidated for the sake of convenience.

#### *Subchapter A. General Provisions*

##### *Section 130b.2. Definitions.*

IRRC questioned the need for the Department's definition of "competency" and "recertification training" and recommended changes to these definitions. The Department has incorporated IRRC's suggested changes and has modified those definitions accordingly. IRRC also suggested and the Department agreed to incorporate six additional definitions which have been taken verbatim from the act.

##### *Section 130b.3. Fees.*

IRRC, Representative Bunt and seven commentators questioned the Department's rationale for the difference in fees for commercial nutrient management specialists and public nutrient management specialists. IRRC also questioned the Department's examination fee structure specifically questioning why individual nutrient management specialists would not have to pay an examination fee, in light of the Department's administrative costs.

The Department, in concurrence with the Nutrient Management Advisory Board (Advisory Board), adopted the proposed fee structure for the various nutrient management certification categories by directly comparing surrounding states' fees. The Department also used a similar fee structure implemented by the Department

within its pesticide certification program (upon which the nutrient management specialists certification program was modeled) and found that the fees were reasonable. More importantly, however, the Department believes that since the three certification categories have very different duties and responsibilities, it is appropriate to have fees which reflect those duties and responsibilities within the certification program.

The Department, the Advisory Board and other agricultural representatives strongly support the notion of voluntary participation by individual nutrient management specialists (who are typically farmers) as a necessary component for the success of the certification program within this Commonwealth. Clearly, without individual specialists' full participation in the certification program, the success of the program would be in serious jeopardy. The Department has been informed by numerous agricultural representatives and organizations that if it were to raise the certification fee and charge an examination fee for individual specialists as suggested, significantly fewer individual specialists will participate in this Commonwealth-wide program. Thus, the fees for individual specialists must be kept minimal so as not to deter participation by individual specialists. Additionally, the Department believes the existing fee structure will provide the necessary funds to cover the administrative costs associated with the certification program.

##### *Section 130b.11(a). Determination of competence.*

Several commentators, including IRRC, Representative Bunt and Representative Miller questioned the appropriateness of the different competency requirements contained in the proposed regulations regarding commercial and public nutrient management specialists. Several members of the Advisory Board also raised the issue regarding the determination of competency between commercial and public specialists. The Advisory Board opined that anyone who prepared a nutrient management plan (plan) for others would have to demonstrate the very same skills and competence in plan preparation, regardless of their respective category of certification. Additionally, several commentators argued that every time a public nutrient management specialist prepared a plan, it would significantly compete with the commercial specialist's business opportunities. Therefore, the recommendation to the Department was to prevent public specialists from preparing plans.

However, commentators in support of public nutrient management specialists preparing plans argued that in order for farmers to have plans prepared by public nutrient management specialists, these specialists shall have to demonstrate their ability to prepare plans, not just to review plans. Accordingly, the Department was faced with two diametrically opposed sides with respect to the preparation of plans by public specialists. To develop a compromise position on this issue, the Department, through the Advisory Board, decided to address the issue by:

- 1) Revising the definition of a public specialist to only authorize these specialists to review plans, not develop them. If a public nutrient management specialist desires to prepare plans once he has been fully certified, he shall become certified as a commercial specialist, thereby requiring the public specialist to ultimately satisfy the same program requirements as a commercial specialist.

2) Revising § 130b.11(a) to assure that public specialists demonstrate their ability to understand the complexity of plan preparation by requiring them to prepare one plan and review two plans during the provisional certification period. This modification would require a public specialist who wants to become a commercial specialist to prepare two additional plans and pay the commercial certification fee.

The Department made similar modifications to § 130b.11(f) in order to maintain consistency with § 130b.11(a).

*Section 130b.11(b). Precertification training.*

A commentator from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) expressed concern with the lack of information regarding the length of the minimum required precertification courses. Under the act, the Department is charged with the responsibility of developing the educational requirements and examinations it deems appropriate. Precertification training is needed to inform specialists about the act and how its provisions pertain to them as nutrient management planners. The precertification training is being developed with the assistance from the Interagency Education Committee. While the exact length of each training course has not yet been determined, the Department is making every effort to keep the length of training courses to a minimum to avoid the imposition of excessive costs to the specialists.

Furthermore, the Department believes that the determination of the length of courses offered for precertification, whether 1 day or 2 days, is strictly an internal administrative function which falls within the sound discretion of the Department. Clearly, if the Department were to implement the suggested change and add the length of courses to the regulations at this time, any subsequent modification would require formal rule-making. Therefore, the Department is not inclined to adopt the suggested change.

It should also be noted that the NRCS has representation on the Advisory Board and the Interagency Education Committee. The Department will consult with these groups on any decisions regarding the content of training courses and their length.

*Section 130b.11(b)(6). Precertification requirements.*

This subsection was modified to maintain uniformity with the change the Department has made to § 130b.11(a) regarding the determination of competency of public nutrient management specialists.

*Section 130b.11(c)(5) Written examination.*

Representative Miller suggested the Department add the term "storm" before each reference to water management. The Department has agreed to the suggestion and implemented the changes accordingly.

IRRC suggested the Department adopt a numeric grade for passing scores in the regulations so that there is no confusion as to successful completion. The examination is presently being developed with the aid of a professional educational consultant who has assisted Maryland, Virginia and this Commonwealth (Chesapeake Bay Tri-State Group) with the creation of testing materials and analysis. Among other matters, this consultant shall make recommendations regarding weighting competency areas, psychometric review, methodologies for selection of test questions (that is, a pool of 800 questions from the Chesapeake Bay Tri-State Group), passing scores and test performance evaluation. The Department has been ad-

vised by the consultant that since the standard for passing scores is dependent upon the validity of the test questions used for any particular test, it would be inappropriate to adopt a numeric grade at this time. The Department therefore is not inclined to adopt the suggested change.

IRRC also suggested that the regulations indicate how often the examination will be offered annually. The Department agrees with the suggested change, but to maintain some necessary administrative flexibility, the Department will modify this section to indicate that the examination will be offered at least twice per year. This would give the Department the appropriate flexibility to administer the examination more frequently depending upon the need and the location.

Several commentators, including IRRC expressed concern that the proposed precertification training topics be consistent with the ones listed under the competency categories for the examination. The Department believes a brief historical explanation regarding precertification training topics may be beneficial. Historically, the competency areas for examinations have been taken verbatim from the Chesapeake Bay Tri-State Agreement which offers reciprocity for the examination component of the certification program requirements. The reciprocity agreement was called for in Directive No. 94-2 of the Chesapeake Bay Executive Council, which was executed by the former Governors of the Chesapeake Bay Tri-State Group. The content of the precertification training has been developed by the Interagency Education Committee, which is made up of individuals from NRCS, Department of Environmental Protection (DEP), the Department of Agriculture, Penn State Extension, Penn State Agronomics Department, Conservation Districts and Vocational-Agriculture Education. Unlike the examination competency categories, which will generally evaluate the specialist's technical knowledge of nutrient management issues, precertification training will focus on the practices and laws specific to nutrient management regulations within this Commonwealth.

IRRC also was concerned that the written examination for public and commercial nutrient management specialists is different than the examination for the individual specialist. IRRC questioned how the Department would be able to assure that individual nutrient management specialists will be equally qualified to develop a nutrient management plan. The Department believes since individual specialists would only be preparing plans for their own operation, an examination which focuses on the application of nutrient management principles would be more appropriate as individual specialists will not be required to submit three plans to obtain final certification. The Department will use the criteria and analysis developed by the educational consultant, as described in this Preamble, regarding the evaluation of the examination questions to ensure that individual nutrient management specialists will have the requisite knowledge for their respective certification category. Moreover, the Department anticipates the conservation districts will be directed to assist individual specialists with some technical aspects of the individual's plan.

*Section 130b.11(e). Three-year provisional certification.*

IRRC and Representative Bunt questioned the Department's rationale for setting 3 years as the length for provisional certification. First, it must be noted this period is a one-time period for specialists. The Department wants to allow ample time for specialists to complete their certification requirements, taking into account

it may take some specialists the full 3 years to complete all of the program requirements. Also, the 3-year period is consistent with and tracks a similar time period in the pesticide certification program with which the regulated community is familiar. Therefore, the Department is not inclined to modify the 3-year period as suggested.

*Section 130b.11(f). Provisional certification.*

As addressed previously (see § 130b.11(a) of this Preamble) commentators have objected to the fact that public nutrient management specialists can receive certification by merely reviewing three plans without having to actually prepare or develop any plan. Other commentators believed the Department should prevent public specialists from developing any plans for others altogether, since this would in essence compete with the commercial specialist's business opportunities. IRRC did not agree with those commentators who believed public specialists should only be able to review plans and be prohibited from developing nutrient management plans. The Department, in an effort to compromise between the various diametrically opposed parties, has agreed to adopt in final rulemaking the requirement that public nutrient management specialists prepare one plan and review two plans during the provisional certification period. The requirement will demonstrate their ability to understand the complexity of plan preparation.

However, IRRC voiced its concern with the Department's compromise arguing that there was no legitimate policy reason for prohibiting public nutrient management specialists from developing (preparing) nutrient management plans. There appears to be some confusion with regard to this issue. To obtain final certification, a public nutrient management specialist must prepare one plan and review two plans. Assuming the specialist complies with this requirement, he will become fully certified as a public specialist. Nutrient management specialists may develop plans as long as they have commercial certification, regardless of whether they are publicly or commercially employed. In its final-form regulations, the Department revised the definition of a "public" specialist to be a person who "reviews" plans for approval. A commercial specialist "develops" plans for another, whether employed in the public or private sector. Thus, the Department believes this will eliminate the competitive advantage of public specialists preparing plans without having to complete the same requirements as the commercial specialist and does not prohibit someone who is publicly employed from preparing plans, as long as they have satisfied the requirements for commercial certification.

The DEP and IRRC questioned the appropriateness of plans that are deemed approved under subsection (f). These commentators believed the regulations would be less ambiguous and the program would be more beneficial if the final certification of commercial and public specialists is obtained through the development or review of plans that have been actually approved, rather than deemed. The Department agrees and has adopted the suggested change accordingly.

*Section 130b.12. Eligibility.*

A commentator suggested clarification to the language in § 130b.12 regarding the time frame within which an applicant for certification must file the application with the Department. The Department agrees with the suggestion and will modify this provision to require that an application for certification shall be filed with the Department within 180-calendar days of notification by the Department of third plan approval. Additionally, the

Department as a matter of policy will adopt a procedure for determining when the third plan has been approved. For purposes of uniformity, the Department is modifying the same language contained in § 130b.22(b) (relating to eligibility of individual nutrient management specialists).

IRRC believed the wording proposed by the Department that it may authorize an extension when the certificate is issued during the last 2 months of the initial year is vague. IRRC believed the Department should make the language more affirmative (that is, "it will") in subsection (c) relating to certification extension for commercial and public specialists and § 130b.22(c) relating to certification extension for individual specialists. The Department concurs with IRRC and has modified those provisions accordingly.

*Section 130b.31. Recertification.*

Representative Bunt requested the Department explain its rationale and legal authority for recertification provisions and continuing education requirements. Specifically, section 7 of the act (3 P. S. § 1707) states the Department will develop written testing procedures, educational requirements and examinations as it deems appropriate to carryout its responsibilities under this section. The Department's responsibility is to create the certification program including the fees and terms and conditions of certification as it deems appropriate. The Department firmly believes, and IRRC agrees, that the Department has been granted broad statutory authority for the establishment of the certification program regulations. Nutrient management is a field which is still developing in technology and research. Specialists will need to be exposed to this new information to better serve their respective clients and the environment. Thus it would necessarily follow that once persons have been certified as nutrient management specialists, they would have to receive continuing education and become recertified.

IRRC suggested for consistency the Department should properly reference the topic areas to be covered under the provisions for determination of competency as well as for recertification. The Department agrees and has modified § 130b.31(a) accordingly.

IRRC and Representative Bunt believed the language in § 130b.31(b) is unclear regarding the Department's ability to require specific training if necessary. IRRC also questioned the need for specific training as deemed necessary by the Department. The State Conservation Commission's (Commission) regulations are not in place to date and the nutrient management precertification training program consists in large part of the components of the finalized planning regulations of the Commission. Therefore, the Department must have some flexibility in requiring, if needed, additional training if the Commission's final regulations substantially differ regarding when the nutrient management specialist received the precertification training. Furthermore, if the Department, after implementation of the certification program identifies some training deficiencies within the certification population, it is the Department's responsibility to address those deficiencies in a timely manner by way of providing specific training. Clearly the Department will provide adequate notice to the appropriate persons.

IRRC questioned the length of time specified in § 130b.31(d) (15 days) as being too short and suggested a 3-month period for course approval or disapproval. The Department believes the requirement of having all course materials, logistical arrangements and other administrative factors available for the Department's review 3

months prior to the course date is far too lengthy and unworkable for course sponsors. The Department is comfortable with a 15-day deadline for course materials, since the Department already implements a 15-day deadline in its pesticide certification regulations in § 128.45 (relating to recertification). The Department however, clarified the language to provide that a request shall be submitted to the Department no less than 15 working days prior to the training date.

IRRC commented on § 130b.31(f) relating to falsification of required information by a course sponsor. IRRC questioned whether the Department intended to disallow credits earned by a person who had taken a course from a sponsor who provided false information. The Department does not intend to disallow credits to persons who have taken a course from a sponsor who provides false information to the Department. This is the reason the Department requires prior approval of courses. It must be noted that within the pesticide certification program, which has been fully implemented since 1972, there has never been a case in which a course sponsor provided false information to the Department or when credits were disallowed. Finally, the Department disagrees with IRRC's suggestion the Department include in the final regulations a provision for notification to course participants who have taken a course from a sponsor who has provided false information. The Department is not inclined to adopt this change since it believes this type of notification provision is best dealt with as an internal administrative policy matter, if needed.

IRRC questioned the Department's determination that 10 credit hours of continuing education is appropriate for recertification of commercial and public nutrient management specialists and 6 credit hours for individual specialists. The Department does not believe that the number of hours required for continuing education is too demanding in light of the 3-year time frame. Additionally, the Department was advised by the educational professionals that the number of credits for continuing education is appropriate to keep specialists updated with the technological advances within the nutrient management field. Furthermore, the number of credit hours is in keeping with the continuing education credits in surrounding states and other similar programs within this Commonwealth. Accordingly, the Department is not inclined to adopt the suggested change.

*Section 130b.51. Receipt of notice of denial, suspension or revocation.*

The USDA and IRRC suggested the Department add the words "or its resulting regulations" between the the words "act" and "or." The Department agrees and has modified the provision accordingly.

For purposes of requesting a hearing, IRRC questioned how the Department would know the date a specialist receives notice from the Department, and suggested changing the language to "within 20 days of mailing by the Department." The Department as a matter of administrative course provides notices by certified mail with return receipt requested. Thus, the Department is not inclined to adopt the suggested change.

#### *Miscellaneous Comments*

IRRC suggested the Department provide a section for interim certification which is governed by section 7(b) of the act. Interim certification is a temporary designation by the Department issued to persons who meet the qualifications set forth in section 7(b) of the act. IRRC believed that there must be a separate regulatory provi-

sion for this classification. The Department does not agree with IRRC's interpretation of the need for regulations for interim certification status since the General Assembly clearly designated the interim certification program as temporary. The act specifically states that "until the Department of Agriculture develops and implements a certification program, persons having the following qualifications shall, upon request, receive interim certification...". The Department believes that once the certification program regulations have been approved and implemented there is no need for the interim certification status. So, in an effort to explain clearly this provision, the Department has agreed to add a definition of interim certification in § 130b.2 and a provision in § 130b.4 (relating to interim certification).

Two commentators suggested that the Department establish a certification category for nutrient management educator/advisor for agency personnel (NRCS) or agricultural extension agents who would be educating the certified nutrient management specialists. The commentators reasoned that for purposes of credibility the educator should also be certified in his special category. The Department reviewed section 7 of the act and determined that there is no statutory authority for the creation and promulgation of a new certification category. Section 7 of the act specifically limits the establishment of certification categories to three: "individual, commercial and public" certification categories. Thus, the Department is not inclined to adopt the suggested change.

#### *Fiscal Impact*

##### *Commonwealth*

The regulations will generate revenue from commercial, public and individual certification fees and examination fees. Under section 7 of the act, those fees will be placed into Department accounts that will be used solely to administer the program. Other administrative program expenses and costs, such as personnel salaries, will be born by the Department. The regulations otherwise do not impose any costs on the Commonwealth.

##### *Political Subdivisions*

The regulations will not have any direct fiscal impact on political subdivisions.

##### *Private Sector*

The regulations will have minimal impact on the private sector. Minimal impact will arise from certification fees of \$100/3 years for commercial nutrient management specialists and \$10/3 years for public and individual specialists. An examination fee of \$50 will be charged commercial and public specialists. Individual specialists will be given the examination free of charge.

##### *General Public*

The regulations will not have any direct fiscal impact on the general public.

##### *Paperwork Requirements*

Increased paperwork requirements will be the responsibility of the Department through tracking of certified specialists and recordkeeping relating to continuing education credits.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking published at 25 Pa.B. 4365 (October 14, 1995) to IRRC and to the Chairpersons of the House Agriculture and Rural Affairs Committee and

the Senate Agriculture and Rural Affairs Committee. In compliance with section 5(b.1) of the Regulatory Review Act, the Department provided IRRC and the Committees with copies of the comments received.

In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the Committees on August 22, 1996, and were approved by IRRC on August 22, 1996, in accordance with section 5(c) of the Regulatory Review Act.

*Contact Person*

Further information is available from Lyle Forer, Director, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 1711-9408, telephone (717) 772-5203.

*Findings*

The Department finds that:

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

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

(3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed regulations published at 25 Pa.B. 4365.

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

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

*Order*

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

(a) The regulations of the Department, 7 Pa. Code Chapter 130b, are amended by adding §§ 130b.1—130b.4, 130b.11, 130b.12, 130b.21, 130b.22, 130b.31, 130b.41, 130b.42 and 130b.51 to read as set forth in Annex A.

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

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

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

CHARLES C. BROSIUS,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 4371 (September 7, 1996).)*

**Fiscal Note:** 2-93. (1) General Fund; (2) Implementing Year 1994-95 is \$116,000; (3) 1st Succeeding Year 1995-96 is \$116,000; 2nd Succeeding Year 1996-97 is \$116,000; 3rd Succeeding Year 1997-98 is \$116,000; 4th Succeeding Year 1998-99 is \$116,000; 5th Succeeding Year 1999-00 is \$116,000; (4) FY \$New Program; FY \$New Program; FY \$New program; (7) General Government Operations; (8)

recommends adoption. The fees established for the Nutrient Management Program would generate sufficient revenue to offset costs.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V. BUREAU OF PLANT INDUSTRY**

**CHAPTER 130b. NUTRIENT MANAGEMENT CERTIFICATION**

**Subchap.**

**A. GENERAL PROVISIONS**

**B. CERTIFICATION**

**Subchapter A. GENERAL PROVISIONS**

**Sec.**

- 130b.1. Scope.
- 130b.2. Definitions.
- 130b.3. Fees.
- 130b.4. Interim certification.

**§ 130b.1. Scope.**

This chapter prescribes policies and procedures relating to the certification and recertification of nutrient management specialists. It includes the establishment of fees and delineation of requirements for certification of commercial, public and individual specialists.

**§ 130b.2. Definitions.**

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

*Act*—The Nutrient Management Act (3 P. S. §§ 1701—1718).

*Agricultural operations*—The management and use of farming resources for the production of crops, livestock or poultry.

*BMP—Best management practice*—A practice or combination of practices determined by the Commission to be effective and practicable (given technological, economic and institutional considerations) to manage nutrients to protect surface and groundwater taking into account applicable nutrient requirements for crop utilization. The term includes:

- (i) Conservation tillage.
- (ii) Crop rotation.
- (iii) Soil testing.
- (iv) Manure testing.
- (v) Diversions.
- (vi) Manure storage facilities.
- (vii) Stormwater management practices.
- (viii) Nutrient application.

*Certificate year*—The period from January 1 to December 31.

*Certification*—The completion of all requirements of a nutrient management specialist contained in this chapter.

*Commission*—The State Conservation Commission established by the Conservation District Law (3 P. S. §§ 849—864).

*Competency*—Demonstrating a high level of technical or scientific knowledge as evidenced by successfully meeting the requirements of § 130b.11 (relating to determination of competence) for commercial and public nutrient management specialists, or meeting the requirements of § 130b.21 (relating to determination of competence) for individual nutrient management specialists.

*Conservation district*—A county conservation district established under the conservation district law.

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

*Interim certification*—A temporary designation by the Department issued to persons who meet the qualifications in section 7(b) of the act (3 P. S. § 1707(b)).

*Nutrient*—A substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value. The term includes livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, sewage sludge or combinations thereof.

*Nutrient management plan*—A written site-specific plan which incorporates BMPs to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria in sections 4 and 6 of the act (3 P. S. §§ 1704 and 1706).

*Nutrient management specialist*—

(i) *Commercial*—A person who develops nutrient management plans for another whether employed in the private or public sector.

(ii) *Individual*—A person who develops nutrient management plans for that person's own agricultural operation.

(iii) *Public*—A State or Federal employe, or other public employe who reviews nutrient management plans, or recommends approval to a conservation district or the Commission, or both.

*Precertification training*—The initial nutrient management training courses which shall be completed by persons seeking to become nutrient management specialists.

*Provisional certification*—An applicant for commercial or public nutrient management specialist has successfully completed precertification training and has passed the written examination, but has yet to prepare, or review three nutrient management plans.

*Recertification training*—The successful completion by a currently certified nutrient management specialist of continuing education and training requirements contained in § 130b.31 (relating to recertification).

#### § 130b.3. Fees.

(a) *Commercial nutrient management specialist certificate*. The triennial fee for a commercial certificate is \$100.

(b) *Public nutrient management specialist certificate*. The triennial fee for a public certificate is \$10.

(c) *Individual nutrient management specialist certificate*. The triennial fee for an individual certificate is \$10.

(d) *Examination fee*. Examination fees are nonrefundable. The following examination fees, with payment made in advance, will be charged:

(1) Commercial/public nutrient management specialist examination—\$50.

(2) Individual nutrient management specialist examination—no charge.

#### § 130b.4. Interim certification.

A person who has interim certification as of September 28, 1996, will be provided written notice, within 30 days, by first class mail, that the Department has completed development of finalized regulations and is beginning to implement the official nutrient management certification program. This notice shall also inform recipients that

upon receipt, their interim status shall cease and is no longer valid. An application and instructions to apply for certification will accompany the notification.

### Subchapter B. CERTIFICATION

#### COMMERCIAL AND PUBLIC NUTRIENT MANAGEMENT SPECIALISTS

Sec.

130b.11. Determination of competence.

130b.12. Eligibility.

#### INDIVIDUAL NUTRIENT MANAGEMENT SPECIALISTS

130b.21. Determination of competence.

130b.22. Eligibility.

#### RECERTIFICATION

130b.31. Recertification.

#### RECIPROCITY

130b.41. General.

130b.42. Procedure.

#### DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATES

130b.51. Denial, suspension and revocation of certificates.

#### COMMERCIAL AND PUBLIC NUTRIENT MANAGEMENT SPECIALISTS

#### § 130b.11. Determination of competence.

(a) Determination of competence for commercial nutrient management specialists shall be based on a precertification training course, a written examination approved by the Department and the development of three nutrient management plans. Determination of competence for public nutrient management specialists shall be based on a precertification training course, a written examination approved by the Department and the development of one plan and review of two plans. All prepared plans and plan reviews completed under this subsection shall be determined to be adequate by the Commission or its designee.

(b) The precertification training course shall, at a minimum, consist of the following areas of nutrient management planning:

(1) Nutrient application including:

(i) Determination of the cropping system and crop nutrient requirements.

(ii) Determination of sources of nutrients available for application on the farm.

(iii) Determination of additional nutrients required to obtain realistic expected crop yields.

(iv) Application records.

(2) Manure management.

(3) Excess manure alternatives.

(4) Stormwater runoff control.

(5) Applicable laws and regulations.

(6) Proper plan review procedures (public specialists only).

(c) The written examination will be proctored by the Department or its designee. The Department will administer the examination at least twice per year, or more often as deemed necessary by the Department. At a minimum, the successful completion of the examination will demonstrate an examinee's technical knowledge relating to nutrient management planning and plan development in the following areas:

(1) Competency in soil science and soil fertility.

(2) Competency in nutrient application and management.



- (3) Competency in crop production.
  - (4) Competency in soil and manure testing and interpretation.
  - (5) Understanding in determining needed BMPs related to proper utilization of nutrients and stormwater management.
  - (6) Competency in fertilizer materials and their characteristics.
  - (7) Understanding of environmental and economic impacts associated with nutrient management.
  - (8) Understanding of the act and other applicable laws and regulations.
- (d) The Department may approve the use of written examinations other than the Pennsylvania nutrient management examination, if the written examinations meet the requirements in subsection (c).

(e) Upon the successful completion of the requirements in subsections (b) and (c), the applicant for certification as a commercial or public nutrient management specialist will be issued provisional certification. The holder of provisional certification is qualified to develop or review nutrient management plans as provided in subsection (f). Provisional certification is valid for 3 years from the date of issuance.

(f) Once provisional certification has been granted, a commercial nutrient management specialist shall develop three nutrient management plans which meet the requirements of section 6(e) of the act (3 P. S. § 1706(e)). A public nutrient management specialist shall develop one plan and review two nutrient management plans in accordance with section 6(e) of the act. Commercial specialists shall submit, to the Department, evidence that the Commission or its designee has actually reviewed and approved the three plans. Public specialists shall submit to the Department, evidence that the Commission or its designee has actually reviewed and approved one prepared plan and determined the public specialist's review of two plans to be adequate.

(g) Upon completion of all the requirements of this section, a commercial nutrient management specialist may apply for certification to develop nutrient management plans and a public nutrient management specialist may apply for certification to review nutrient management plans. The appropriate fee shall accompany the specialist's application for certification.

(h) A currently certified public nutrient management specialist who wishes to obtain a commercial nutrient management specialist certification shall develop two nutrient management plans in accordance with section 6(e) of the act. The public nutrient management specialist shall submit to the Department, evidence that the Commission or its designee has actually reviewed and approved the plans.

(i) A currently certified commercial nutrient management specialist who wishes to obtain a public nutrient management specialist certification shall complete a precertification course covering proper plan review procedures and shall review two nutrient management plans in accordance with section 6(e) of the act. The commercial nutrient management specialist shall submit, to the Department, evidence that the Commission or its designee has actually reviewed and determined the specialist's review of the two plans to be adequate.

**§ 130b.12. Eligibility.**

(a) A person is eligible to apply for certification as a commercial or public nutrient management specialist upon fulfilling the requirements under § 130b.11 (relating to determination of competence). An application for certification may be obtained from the Department.

(b) An application for certification shall be filed with the Department within 180-calendar days of notification by the Department of meeting the requirements of § 130b.11(f). If the applicant fails to file an application with the Department within the prescribed 180-calendar days, that person shall again satisfy the competency requirements as provided in § 130b.11(a)—(f).

(c) A certificate is valid for 3 years ending on December 31 of the third year following the date of certification. However, the Department will authorize an additional year when the certificate is issued during the last 2 months of the initial certificate year.

**INDIVIDUAL NUTRIENT MANAGEMENT SPECIALISTS**

**§ 130b.21. Determination of competence.**

(a) Determination of competence for an individual nutrient management specialist shall be based on a precertification training course and a written examination approved by the Department.

(b) The precertification training course shall at a minimum consist of the same requirements as in § 130b.11(b) (relating to determination of competence).

(c) The written examination shall be proctored by the Department or its designee. The Department will administer the examination at least twice per year, or more often as deemed necessary by the Department. At a minimum, the successful completion of the examination will demonstrate an examinee's technical knowledge relating to nutrient management planning and plan development in the following areas:

- (1) Competency in nutrient application and management.
- (2) Competency in crop production.
- (3) Competency in soil and manure testing and interpretation.
- (4) Understanding in determining needed BMPs related to proper utilization of nutrients and stormwater management.
- (5) Understanding of soil science and soil fertility.
- (6) Understanding of fertilizer materials and their characteristics.
- (7) Understanding of environmental and economic impacts associated with nutrient management.
- (8) Understanding of the act and other applicable laws and regulations.

(d) The Department may approve the use of written examinations other than the Pennsylvania nutrient management examination, if the written examinations meet the requirements in subsection (c).

(e) Individual nutrient management specialists are exempt from the nutrient management plan preparation requirement.

**§ 130b.22. Eligibility.**

(a) A person is eligible to apply for certification as an individual nutrient management specialist upon fulfilling the requirements under § 130b.21 (relating to determina-

tion of competence). An application for certification may be obtained from the Department. The appropriate fee shall accompany the specialist's application for certification.

(b) An application for certification shall be filed with the Department no later than 180-calendar days after the applicant's completion of the competency requirements. If the applicant fails to file an application with the Department within the prescribed 180-calendar days, that person shall again satisfy the competency requirements as provided in § 130b.21(a)—(d).

(c) A certificate is valid for 3 years ending on December 31 of the third year following the date of certification. However, the Department will authorize an additional year when the certificate is issued during the last 2 months of the initial certificate year.

### RECERTIFICATION

#### § 130b.31. Recertification.

(a) At intervals of 3 years, provisionally certified or certified commercial, public or individual nutrient management specialists shall provide written documentation of having received continuing education and training in Department-approved training courses in nutrient management planning and plan development. Training shall address the specific areas in § 130b.11(b) and (c) (relating to determination of competence) for commercial and public specialists and § 130b.21(b) and (c) (relating to determination of competence) for individual specialists.

(b) Recertification credits approved by the Department will be given on the basis of attendance at approved training sessions, as provided in subsection (a). The Department will evaluate the training and assign the appropriate credits. Commercial and public specialists are required to obtain ten credits and individual specialists are required to obtain six credits during the recertification interval. The Department may, if deemed necessary, require specific training for certified nutrient management specialists, in addition to the required training in §§ 131.11 and 131.21. The Department will provide written notification to the certified nutrient management specialists of required specific training.

(c) Training will be approved for recertification credits at the rate of 1 credit per hour of applicable instruction, exclusive of coffee breaks, lunches, visits to exhibits, and the like. Credits will be assigned to each training session based upon the subjects covered and the amount of time expended on each subject. Credits assigned may be modified if either the content or length of the training substantially differs from the originally approved course.

(d) Sponsors of recertification training shall first submit a written request for course approval to the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. A request shall be submitted to the Department at least 15 working days prior to the training date and shall include the following information:

- (1) The name and phone number of the contact person who is coordinating the training.
- (2) The specific location of the training.
- (3) The date of the training.
- (4) A listing of the speakers, subject matter and time allotted to each subject.
- (5) A statement whether the training is open to the public and if there is a charge to attend.

(e) A recertification training course will be approved if at a minimum it consists of the same requirements as set forth in § 130b.11(b) and (c) and is conducted or sponsored by an educational institution, an association, a business, a governmental agency or other qualified source. Preapproval of recertification courses is vested solely with the Department.

(f) Falsification by a course sponsor of information required under this section may result in the withdrawal of credits or course approval, or both.

(g) If the Department or its designee is unable to monitor the training, the sponsor shall be responsible for verifying attendance and shall compile a list of Pennsylvania certified specialists in attendance. The list shall be returned to the Department within 10 working days following the training date and shall include the name of each person attending and their certificate number.

(h) If the certification of a nutrient management specialist is allowed to expire and recertification credits are due, recertification of that specialist shall first require the completion of delinquent recertification credits as described in subsection (b).

(i) If a nutrient management specialist fails to complete delinquent recertification credits within 1 year from the certification expiration date, that person shall again satisfy the requirements of § 130b.11 and § 130b.12 (relating to eligibility) for commercial and public specialists, and § 130b.21 and § 130b.22 (relating to eligibility) for individual specialist.

### RECIPROCITY

#### § 130b.41. General.

(a) A person who has a valid certificate or license from another state may obtain certification in this Commonwealth if:

(1) The state in which that person is certified has a reciprocal agreement with the Department.

(2) The applicant satisfies the required precertification training as set forth in § 130b.11(b) (relating to determination of competence). The applicant will not be required to take a written examination to determine competence if the applicant satisfies the requirements of this subsection.

(b) Upon the successful completion of the requirements in subsection (a), the applicant for certification as a commercial or public nutrient management specialist will be issued provisional certification and shall complete the requirements in § 130b.11(f). Provisional certification is valid for 3 years from the date of issuance.

(c) In addition to the requirements in subsection (a), if the applicant is a commercial nutrient management specialist that person shall submit written evidence to the Department, that the Commission or its designee has reviewed and approved three plans as provided in section 6(e) of the act (3 P. S. § 1706(e)). If the applicant is a public nutrient management specialist, that person shall submit to the Department, evidence that the Commission or its designee has reviewed and approved one prepared plan and determined the public specialist's review of two plans to be adequate.

#### § 130b.42. Procedure.

A person desiring a certificate under § 130b.41(a)(1) and (2) (relating to reciprocity) shall submit to the Department a properly completed application and appropriate fee, as set forth in § 131.3 (relating to fees) along with a copy of the person's out-of-State certificate.

**DENIAL, SUSPENSION AND REVOCATION OF  
CERTIFICATES****§ 130b.51. Denial, suspension and revocation of certificates.**

(a) The Department may, after notice, including a statement of the reasons therefore, and opportunity for a hearing, deny, suspend or revoke a commercial, public or individual nutrient management specialist's certification for a violation of the act or its resulting regulations.

(b) An applicant or nutrient management specialist may request a hearing, in writing, within 15 days of receipt of notice of the denial, suspension or revocation from the Department. The request shall be sent to the Bureau of Plant Industry, Agriculture Building, 2301 N. Cameron Street, Harrisburg, Pennsylvania, 17110.

[Pa.B. Doc. No. 96-1665. Filed for public inspection September 27, 1996, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 245]

#### Administration of the Storage Tank and Spill Prevention Program

The Environmental Quality Board (Board) by this order amends Chapter 245 (relating to administration of the storage tank and spill prevention program). The amendments alter several definitions, add several definitions and alter portions of the certification program established for installers and inspectors of aboveground and underground storage tanks as required by the Storage Tank and Spill Prevention Act (act) (35 P. S. §§ 6021.101—6021.2104).

This order was adopted by the Board at its meeting of July 16, 1996.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Karl K. Sheaffer, Chief, Division of Storage Tanks, P.O. Box 8762, Rachel Carson State Office Building, Harrisburg, PA 17105-8762, telephone: (717) 772-5800; or Kurt E. Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, telephone: (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

This final rulemaking is being made under the authority of section 106 of the act (35 P. S. § 6021.106), which authorizes the Board to adopt rules and regulations of the Department governing aboveground and underground storage tanks to accomplish the purposes and carry out the provisions of the act; section 107(d) of the act (35 P. S. § 6021.107(d)), which authorizes the Department to establish a certification program for installers and inspectors of storage tanks and storage tank facilities; section 5(b)(1) of The Clean Streams Law (35 P. S. § 691.5(b)(1)), which authorizes the Department to formulate, adopt and promulgate rules and regulations that are necessary to implement The Clean Streams Law; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations as may be determined by the Board to be for the proper performance of the work of the Department.

#### D. Background and Summary

Section 107(d) of the act specifically authorizes the Department to establish regulations governing certification and licensing programs for installers and inspectors of storage tanks and storage tank facilities. The Board established regulations in Chapter 245, Subchapters A and B (relating to general provisions; and certification

program for installers and inspectors of storage tanks and storage tank facilities), concerning certification and licensing of installers and inspectors. These existing regulations were published as final at 21 Pa.B. 4345 (September 21, 1991).

A wide range of issues and concerns have developed since Chapter 245 was originally adopted in 1991. Many of these issues and concerns have been technically complex and relate to the specific work performed by certified storage tank installers and inspectors.

To assist the Department in considering the comments received on the proposed rulemaking and developing this final rulemaking, an informal technical advisory committee (TAC) was formed. This TAC was made up of storage tank industry experts, several of whom participated in the initial development of Chapter 245. TAC assisted the Department in resolving a number of issues raised during the public comment period.

The Department worked closely with the Storage Tank Advisory Committee (STAC) during development of both the proposed and final rulemakings. STAC, which was established by section 105 of the act (35 P. S. § 6021.105), consists of persons representing a cross section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. Under section 105 of the act, STAC has been given the opportunity to review and comment on this final rulemaking. At its May 8-9, 1996, meeting, STAC reviewed and discussed these amendments. At that meeting, STAC prepared a written report approving the proposed amendments which were presented to the Board. A listing of members of STAC can be obtained from Karl Sheaffer, whose address appears in Section B of this Preamble.

In addition, the Agricultural Advisory Board submitted a letter to the Department on May 16, 1996, requesting that Chapter 245 be amended to place a 1-year moratorium on the requirement that a certified installer be used to remove regulated underground storage tanks located on farms. Because the requirement to employ a certified installer to remove regulated underground storage tanks is a mandatory command of section 501(c)(2) of the act (35 P. S. § 6021.502(c)(2)), the Department cannot completely remove this requirement through an amendment to Chapter 245.

This final rulemaking will amend the current regulations in Chapter 245, Subchapter A, dealing with general provisions and Subchapter B, dealing with the certification program for installers and inspectors of storage tanks and storage tank facilities. The changes represent corrections and additions that are necessary to improve the existing regulations.

The amendments to Subchapter A include the addition of tank tightness testing requirements, a clarification that identifies what Federal underground storage tank regulations have been adopted by reference and changes to definitions.

The amendments to Subchapter B include consolidation of several certification categories, elimination of certification categories that are not needed and changes to the requirements for certification approval. In addition, changes are made to provisions relating to the suspension and revocation of certification, the renewal and amendment of certification, the examination requirements and standards of performance. A brief description of this rulemaking follows:

*Subchapter A. General Provisions*

1. *Section 245.1. Definitions.*

This rulemaking amends § 245.1 by adding definitions, and by modifying or clarifying certain definitions that apply to terms used in Subchapters A and B; and by deleting five definitions that are no longer needed. The terms added are: "actively involved," "Clean Streams Law," "motor oil," "Solid Waste Management Act" and "tightness testing activities." The modified or clarified definitions are: "aboveground nonmetallic storage tank," "aboveground storage tank," "actively involved," "certified company," "certified inspector," "environmental audit," "inspection activities," "removal," "removal from service," "storage tank facility," "underground field constructed storage tank," "underground manufactured storage tank" and "underground storage tank."

The definition for the term "heating oil for consumptive use" is deleted so that the Commonwealth's regulation of these storage tanks will exactly match that of the Federal government. The definition for the term "commercial heating oil tank" is deleted to match the change made to the act by the act of June 26, 1995 (P. L. 79, No. 16) (Act 16). The definitions for the terms "aboveground field constructed nonmetallic storage tank," "underground field constructed nonmetallic storage tank" and "underground manufactured nonmetallic storage tank" are deleted because they were only used in certification categories that are being deleted by this rulemaking.

2. *Section 245.2. General.*

This section incorporates by reference the Federal regulations contained in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)) governing technical standards and corrective action requirements for underground storage tank systems. The Board now believes the Federally excluded and deferred storage tanks pose very minimal potential risks to the environment or this Commonwealth and that these tanks should be excluded from Commonwealth's storage tank regulations. The amendments adopt the Federal position excluding and deferring these classes of tanks from regulation. Additionally, the amendments clarify that Subparts E and F are no longer adopted subparts of 40 CFR Part 280. These subparts deal with release reporting, release responses and corrective actions. These topics are now covered by Chapter 245, Subchapter D, which was adopted by the Board at 23 Pa.B. 4033 (August 21, 1993).

3. *Section 245.21. Tank handling and inspection requirements*

Subsection (a) clarifies the requirement that storage tank owners and operators shall use Department certified installers to conduct tank handling activities, and deletes any mention of certified inspectors. In addition, for aboveground nonmetallic storage tanks, the tank manufacturer may perform modifications to the tank without Department certification.

Requirements for the use of a certified inspector to inspect tank handling activities are moved to subsection (b). Subsection (b) recognizes that UL labeled manufactured storage tanks are inspected and tested at the factory when they are produced and that these tanks need not be inspected again when they are installed by a certified installer. Therefore, subsection (b) requires only that those tank handling activities which are conducted on field constructed storage tanks or large aboveground storage tanks shall be inspected by a certified inspector.

Finally, the amendment to subsection (d) clarifies when an owner or operator shall have a storage tank facility inspection done.

4. *Section 245.31. Underground storage tank tightness testing requirements.*

Section 245.31 establishes when tightness testing shall be conducted, when a certified installer is required to perform tightness testing on underground storage tank systems and what conditions shall be met. The Department and regulated storage tank owners have experienced many problems associated with obtaining valid and accurate tightness testing results required to comply with the Federal standards adopted by § 245.2 (relating to general).

The Board believes this section is necessary to assist owners in obtaining valid tightness testing results and to detect leaks or releases in underground storage tank systems.

*Subchapter B. Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities.*

1. *Section 245.102. Requirement for certification.*

Subsection (a) provides requirements for certification when conducting tightness testing. The Board believes that tightness testing should be conducted by a certified installer who can be held accountable for established standards of performance.

Subsection (c) removes the specific passing grade requirements for periodic training. The regulations now provide that the standards for successful completion of each training course will be determined by the Department through review and approval of each individual course under § 245.141 (relating to training approval), rather than measuring successful completion of all training by requiring a specific passing grade. This change should allow installers and inspectors to obtain training through a number of industry sources that provide excellent training and use training measurement methods other than a specific 90% passing score. It is anticipated that more professional trainers will apply for training course approval when this proposal becomes effective, thus increasing the available training base.

2. *Section 245.103. Phase-in from interim certification.*

Subsection (c) formerly provided that failure to pass certification examinations by September 21, 1994, resulted in revocation of temporary certification. The amendment corrects the improper use of the term "revocation" and provides that expiration of temporary certification is the result of failure to pass the examinations by the established date.

Subsection (d) allows an installer or inspector to continue working until the date of expiration of the individual's permanent certification when the Board amends or deletes the categories in which the individual is certified.

3. *Section 245.105. Certification examinations.*

The amendments revise the certification minimum passing score to 80% for the administrative portion of the certification examination and eliminate a specific passing score for training programs. The Board believes that administrative procedures are less critical than technical requirements and, therefore, the certification examinations should require a lower minimum passing score for the administrative section of the examination.

The Board further believes that the standards for successful completion of a training program should be evaluated and approved based on individual course con-

tent and exams that accurately measure the training, rather than requiring a specific passing grade by which all training must be measured. This issue is addressed in more detail in the comments provided concerning § 245.102 (relating to requirement for certification). Therefore, subsection (e) changes the passing grade requirement for successful completion of training to coincide with the changes to § 245.102(c), for the reasons set out in the discussion of that subsection.

#### 4. Section 245.108. Suspension of certification.

This section currently provides for suspension of certification for a violation of the act, for incompetency, for failure to successfully complete required training and for failure to comply with several other requirements in Chapter 245.

This section will now require compliance with other key laws that have provisions that frequently affect the storage tank industry and tank handling practices. The Board has determined that The Clean Streams Law (35 P. S. §§ 691.1—691.1101) and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) are two key laws that do affect the storage tank industry and that are sometimes violated by installers when working with and on storage tank systems. These laws have provisions for enforcement that have been applied against installers.

Subsection (a)(9) provides for suspension of certification for violation of The Clean Streams Law and for violation of the Solid Waste Management Act. Suspension is limited to those instances when the certified individual is conducting activities related to storage tank system installation, modification, removal or inspection. The violation must additionally be one that causes pollution, a threat of pollution or harm to the public health, safety or welfare.

The amendment to subsection (c) changes the passing grade requirement for successful completion of training to coincide with the proposal at § 245.102(c), for the reasons set out in the discussion of that section.

Subsection (d) requires that an installer or inspector surrender his certification certificate and identification card to the Department when notified that his certification is suspended.

#### 5. Section 245.109. Revocation of certification.

Subsection (c) requires that an installer or inspector surrender his certification certificate and identification card to the Department when notified that his certification is revoked.

#### 6. Section 245.110. Certification of installers.

This section currently provides for specialization in 24 individual certification categories for installation, modification, removal and tightness testing for various aboveground and underground storage tanks and associated systems. Several of the underground categories are for obsolete field constructed storage tank systems and, with the exception of a few individuals certified to remove these systems, most of these categories remain vacant.

The number of categories was adequate to provide for specialization and flexibility when the certification program was initially developed. Since that time, the number of categories has proven to be excessive, complex and unnecessarily burdensome for both the Department and the regulated community. The Department looked at the work being done by the certified installers in detail and met with industry experts and TACs to consolidate

categories where practicable and to eliminate categories that are not needed.

The final rulemaking consolidates the number of installer certifications to 11 categories. Underground storage tank installation and modification provides for a single master installer category (UMX). Due to the specific knowledge required for different aboveground systems, the aboveground storage tank certification categories retain more of their previous specialization with the following categories: aboveground manufactured metallic storage tank installation and modification (AMMX); aboveground nonmetallic storage tank installation and modification (AMNX); aboveground field constructed metallic storage tank installation, modification and removal (AFMX); aboveground mechanical installation, modification and removal (AMEX); and aboveground civil installation and modification (ACVL).

Three storage tank removal categories are retained as follows: underground removal (UMR), aboveground manufactured removal (AMR) and aboveground field constructed removal (AFR). Tank lining (TL) remains a specialization category and tightness testing (UTT) is retained for underground storage tank systems.

#### 7. Section 245.111. Certified installer experience and qualifications.

This rulemaking removes the requirements for the 13 categories proposed to be deleted. These amendments also establish a requirement for manufacturer's equipment specific training for tightness testing qualification and provide that Department UTT certification is only valid for the specific method of testing for which equipment manufacturer's certification is maintained.

For the remaining categories, this rulemaking reduces the total experience time necessary to qualify for certification by 1 year. The Department has found that the more crucial element in demonstrating qualifying experience is the number of activities completed and not the total time spent working in this area. In addition, subsection (g) will credit 6 months of experience to an applicant who successfully completes a Department-approved training course covering the category that the individual wishes to become certified for.

The amendments also provide that an AMNX aboveground nonmetallic storage tank installer and an AFMX aboveground field constructed metallic storage tank installer may qualify by having completed installation or major modification activities. The Board believes that adding the stipulation that the modifications be only major modifications, coupled with the certification examination requirement, will ensure that applicants for these categories will be well qualified. This change was recommended by TAC to compensate for the increase in modification and decline in new construction in the aboveground field constructed storage tanks and to aid in qualifying nonmetallic technicians who specialize in nonmetallic tank modification procedures.

The amendments also contain provisions that will enable certified individuals in the aboveground field constructed storage tank installer and remover categories to qualify for the aboveground manufactured storage tank installer and remover categories as recommended by TAC.

Subsection (d) is amended in the same manner as § 245.102 with regards to standards for successful completion of the training course, for the reasons set out in the discussion of that section.

8. *Sections 245.112 and 245.113. Certification of inspectors; certified installer experience and qualification.*

This rulemaking reduces the number of inspector categories to three by eliminating the underground field constructed (IUF) category, which is not needed.

This rulemaking deletes the IUF category, and provides the aboveground manufactured storage tank inspector (IAM) a means to qualify for the underground inspector (IUM) category. They also provide that service inspections of aboveground storage tank systems can qualify an individual for both aboveground manufactured storage tank (IAM) or aboveground field constructed storage tank (IAF) inspector certification with any combination of 20 installations, major modifications or service inspections. The Board believes these changes will help to qualify additional inspectors while maintaining highly competent inspectors in this Commonwealth.

Finally, the Board believes that certain industry certifications should be required when individuals are conducting integrity inspections on aboveground storage tanks. This rulemaking adds subsection (f) which requires that inspectors conducting integrity inspections on aboveground field constructed metallic storage tanks possess API Standard 653 certification in addition to Department certification.

9. *Section 245.114. Renewal and amendment of certification.*

The amendments provide that expiration of amended permanent certification will correlate with the dates that certification exams were administered. Because passing a single technical examination module might qualify an individual for several different installation categories, in subsection (a) the amendments provide for issuance of amended certification for a period that coincides with the date of other certification categories for which the same exam was taken.

Under subsection (a)(2), the Department will have the option to establish and require completion of training programs; however, the training programs will not be mandatory for renewal of certification at this time. Additionally, subsection (a)(2) is amended in the same manner as § 245.102(c) with regards to standards for successful completion of the training course, for the reasons set out in the discussion of that section.

Subsection (a)(3) of this section provides that an individual must remain active in each certification category or the individual must retake the certification examination for categories in which active involvement is not maintained. Subsection (b)(4) requires a certified installer or certified inspector to notify the Department and seek amendment of the certification from the Department whenever the Board amends certification categories or qualification requirements and establishes a phase-in period for the new requirements.

10. *245.123. Suspension of company certification.*

As discussed in this Preamble in relation to § 245.108 (relating to suspension of certification), certain violations of The Clean Streams Law or violations of the Solid Waste Management Act should also be cause for suspension of certification. Additionally, the Board is concerned that some companies have withheld certification documents and failed to forward Department correspondence to certified employes.

Subsection (a)(4) of this section provides for suspension of company certification for violation of The Clean Streams Law or for violation of the Solid Waste Manage-

ment Act. Suspension is limited to those instances when the certified company or a certified individual employed by that company is conducting activities related to storage tank system installation, modification, removal or inspection. The violation must additionally be one that causes pollution, a threat of pollution or harm to the public health, safety or welfare. Finally, under subsection (a)(5), company certification may be suspended for withholding individual correspondence or certification documents issued by the Department.

11. *Section 245.132. Standards of performance.*

This section provides for several standards of performance that installers, inspectors and certified companies shall adhere to. The amendments add several new requirements or clarify several existing requirements.

Subsection (a)(3) of this section provides for maintaining tank handling and inspection activities records for a minimum of 10 years. Time frames and clarification of when and how installers and inspectors shall report confirmed or suspected releases and contamination are contained in subsection (a)(4), along with clarification of which Department office the report shall be given. Finally, requirements to adhere to equipment manufacturer's instructions, industry standards and codes of practice when performing certified activities are added in subsection (a)(8).

E. *Summary of Comments and Responses on the Proposed Rulemaking*

The Department received comments from 20 individuals during the 60-day public comment period that followed publication of the proposed rulemaking at 25 Pa.B. 5053 (November 18, 1995). The Independent Regulatory Review Commission (IRRC) submitted written comments to the Department on February 16, 1996. Additionally, STAC reviewed the proposed rulemaking and submitted a written report to the Board. As noted in Section D of this Preamble, the Agricultural Advisory Board submitted a letter to the Department on May 16, 1996, requesting further changes to Chapter 245. A copy of that letter was submitted to the Board.

Several sections of the proposed rulemaking are modified in the final rulemaking based upon these comments. A list of commentators, a detailed summary of their comments and the Department's responses are available from the contact persons listed in Section B of this Preamble. In addition, between the time the Board approved the proposed amendments and their publication, Act 16 became effective. A number of modifications to Chapter 245 and the proposed amendments have been made based upon Act 16. A list of the modified sections and a summary of the significant comments are provided as follows:

1. *Section 245.1.*

Several commentators noted that some of the terms defined in the current Chapter 245, Subchapter A and in the proposed rulemaking conflicted with the terms in the act as amended by Act 16. The Department agrees with the commentators and has changed definitions in the final rulemaking to correlate with recent amendments to the act. Definitions changed are "aboveground storage tank," "storage tank facility" and "underground storage tank."

One commentator expressed concerns with terms excluding aboveground storage tanks and underground storage tanks containing radioactive materials and coolants that are regulated under the Atomic Energy Act of 1954

(42 U.S.C.A. §§ 2011—2297). The commentator stated that some of these tanks also contain hazardous substances and water treatment chemicals and therefore may not be covered in the exclusion. The Department recognizes that many of these tanks may contain other substances in addition to radioactive materials and coolants. For example, water treatment chemicals are routinely added to coolants to minimize corrosion of nuclear plant systems. The Department contends that these tanks do fall under the terms excluding tanks regulated under the Atomic Energy Act of 1954 and no changes to the definitions are necessary.

Several commentators recommended minor changes to the terms “actively involved” and “tightness testing activities” and further clarification and changes to the term “removal.” These terms are modified in the final rulemaking.

Several commentators supported deleting the term “heating oil for consumptive use,” but questioned what was meant by the reference to more closely mirror the Federal position on regulation of heating oil tanks in the Preamble to the proposed rulemaking. The Department responded that, by deleting this term from the definitions in Subchapter A, the Commonwealth will have the same exclusion for underground tanks storing heating oil as the Federal requirements in 40 CFR 280. The Federal definitions for “consumptive use” and “on the premises where stored” were adopted by reference at § 245.2. With this final rulemaking, requirements for underground tanks storing heating oil in this Commonwealth correlate with the Federal requirements.

#### 2. Section 245.2.

Several commentators questioned why the proposed rulemaking would adopt the Federal tank exclusions by reference to 40 CFR 280, but would still not adopt the Federal tank deferrals that are contained at 40 CFR 280. Another commentator opposed deleting the adoption by reference of 40 CFR 280, Subpart E—Release Reporting, Investigation and Confirmation.

The adoption by reference has been modified. The final rulemaking includes the Federal tank deferrals along with the Federal tank exclusions. The proposal to delete adoption by reference to Subpart E is not changed. The adoption by reference to Subparts E and F have not applied in this Commonwealth since the Board adopted Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage facilities and other responsible parties) by rulemaking at 23 Pa. B. 4033 (August 21, 1993).

#### 3. Section 245.21.

Several individuals commented on the need to establish and enforce inspection programs for regulated storage tanks and the need to ensure that quality control is maintained. During review of comments with industry experts and TAC, it was determined that an option is needed for aboveground nonmetallic tank manufacturers to perform modifications to the tanks they manufacture.

Changes are included in the final rulemaking to allow aboveground nonmetallic tank manufacturers to perform tank handling activities to modify aboveground nonmetallic storage tanks. Changes have also been included to ensure that activities to install or modify aboveground storage tanks in excess of 21,000 gallons capacity are inspected. Development of the inspection program will continue. Additional inspection requirements and schedules for inspections are included in proposed technical

standards regulations approved for publication as proposed rulemaking by the Board at its April 16, 1996, meeting.

#### 4. Section 245.31.

One commentator recommended including specific technical information and requirements for a written report for tightness testing activities. Written test report requirements are included in the final rulemaking. References to piping tightness testing have been removed. Specific technical information and piping testing requirements are included in proposed technical standards regulations approved for publication as proposed rulemaking by the Board at its April 16, 1996, meeting.

#### 5. Section 245.105.

Several comments were received on the proposals to change the minimum passing grade requirements for certification examinations. Commentators supported lowering the passing grade requirement for the administrative section of the examinations, but three commentators strongly opposed lowering the passing grade requirement for the technical section of the certification examinations.

The Department agrees that the technical section of the certification examinations should not be lowered. The final rulemaking retains the current 90% minimum passing grade requirement on each technical section.

#### 6. Section 245.108.

Several commentators expressed concerns that reducing the time required for submission of inspection reports to 30 days would not allow inspectors sufficient time to work with owners to resolve facility deficiencies and obtain a compliant inspection report when practicable. The Department agrees with the commentators. The final rulemaking retains the current requirement to submit inspection reports within 60 days.

One commentator also expressed concern that suspension of certification for a violation of § 245.108(a)(9)(i) for causing a threat of pollution is too restrictive. Owning a gasoline station or changing a gas pump filter causes a threat of pollution. The Department does not agree. This subsection limits the Department's discretion to suspend a person's certification for The Clean Streams Law or Solid Waste Management Act violations. Certified activities properly performed should never cause a threat of pollution. If improprieties are evident, however, the Department believes it may be appropriate to suspend certification and so will retain this subsection in the final rulemaking.

#### 7. Sections 245.110 and 245.111.

The Department received several comments supporting consolidation of the certification categories. Three commentators recommended further consolidation of the storage tank remover categories. Commentators recommended modifications to the UMX and UTT categories. One commentator believes that consolidating the AMMX and the AMNX categories is inappropriate. Finally, several commentators recommended reducing or eliminating the total years of experience requirements for installer applicants.

The Department reviewed these comments and recommendations with industry experts and TACs. Based on discussions, several changes to the certified installer categories are included in the final rulemaking.

The three storage tank remover categories are retained as shown in the proposed rulemaking. The final rulemaking allows aboveground field constructed metallic



tank installers in the AFMX category to conduct removal activities as this work requires the AFMX installer skills when preparing a tank for reconstruction. Also provisions are added to allow the aboveground field storage tank remover in the AFR category to qualify for the aboveground manufactured storage tank remover AMR category.

Modifications that further clarify air pressure testing for the UMX installer category and deletion of line testing for the UTT tightness tester category are contained in the final rulemaking.

The final rulemaking also retains separate certification requirements and categories for aboveground manufactured metallic storage tanks and aboveground nonmetallic storage tanks.

Finally, the final rulemaking reduces the number of qualifying years of experience for all installer categories and contains provisions that credit an installer applicant with 6 months of qualifying experience for successful completion of a Department approved training program applicable to the certification category being requested.

#### 8. *Section 245.113.*

Three commentators recommended including an option to qualify underground storage tank inspectors in the IUM category through recognition of activities performed during operations inspections at underground storage tank facilities. Several individuals commented on the use of industry standards, such as ASME, ASNT and API standards, for qualifying aboveground storage tank inspectors. Two commentators suggested that only the API standards should be referenced. Three commentators expressed concerns that the standards proposed are either too restrictive or additional standards should be recognized.

The Department reviewed these comments and recommendations with industry experts and the TACs. Based on these discussions, several changes to the certified inspector categories and requirements are included in the final rulemaking.

Provisions are added to the final rulemaking to recognize operations inspection performance for IUM inspector certification renewal. Aboveground manufactured storage tank inspector qualifications are modified to recognize inspector training and service inspection performance which may be conducted under tank manufacturers or industry standards other than those established at API 653 standards. Finally, aboveground structural integrity inspection restrictions are modified to only include tanks specifically covered under the API 653 standards.

#### 9. *Section 245.114.*

Several commentators generally agreed with or strongly supported the certification renewal proposals. One commentator expressed concern about retaining records to support renewal applications and three commentators expressed concerns about proposals that make completion of training an option the Department may require rather than a mandatory requirement for all certification renewal applicants.

The Department believes that tank handling activity reports and inspection reports currently maintained under existing regulatory requirements should be adequate to support certification renewal applications, and certified individuals or certified companies should not experience any significant additional recordkeeping requirements. The Department also believes that requiring all certification renewal applicants to complete mandatory training is

an excessive and unnecessary burden. Therefore, the proposed language is retained in the final rulemaking.

#### 10. *Section 245.123.*

One commentator expressed concern with the proposed provision to suspend company certification for withholding individual correspondence or certification documents. The Department is not proposing to suspend company certification for those companies who make a good faith effort to pass Department correspondence on to their employees. Rather, the Department is concerned with the few companies who may deliberately withhold important correspondence. The Department believes this is an important safeguard for installers and inspectors and will retain the proposed language in the final rulemaking.

#### 11. *Section 245.132.*

One commentator believes that maintaining records of tank handling and inspection activities for 10 years is excessive. IRRC suggested that standards of performance requirements for reporting releases to the Department should specify that the report be submitted in writing. Finally, three commentators expressed concerns that the Department should recognize requirements to adhere to certain National industry codes when performing work on tank systems, and two of these commentators suggest that qualified welders should be able to perform repairs on piping lines without installer certification.

The Department believes that maintaining records for 10 years is prudent and consistent with standard industry practices. The requirement to submit notices of release reports to the Department is modified in the final rulemaking to specify that the report shall be in writing. Both the proposed and the final rulemaking require that certified installers, certified inspectors and certified companies adhere to manufacturer's instructions, accepted industry standards and applicable industry codes of practice. Additionally, the Department does allow maintenance repairs by noncertified workers. Welding of regulated piping inside the emergency containment area may effect the storage tank system integrity and therefore must be performed by a certified installer.

#### F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final regulations.

##### *Benefits*

The amendments will correct deficiencies observed in the operation of the original regulations and should result in a more efficient program. The clarifications and reductions in the number of certification categories will make the regulations less complex and easier to understand. Owners and operators of regulated storage tank facilities will not be hindered by over-specialization when determining which categories of certification are needed to perform certified activities at their facilities. Changes in installer and inspector requirements should increase the numbers of installers and inspectors able to qualify and receive certification while maintaining competency and proficiency. This should increase competition among the private sector contractors and reduce costs to tank owners, with no adverse impact on the environment.

Tank tightness testing will be performed by certified installers adhering to the approved testing method protocol or by tank owners using automatic tank gauging and monitoring equipment. This will help to identify leaking underground storage tank systems and to initiate corrective actions earlier than currently occurs, helping to prevent further groundwater contamination in this Commonwealth.

*Compliance Costs*

These amendments will reduce costs to the regulated community by reducing the number of required inspections while qualifying additional inspectors to perform the work that is required. These changes will also eliminate most heating oil tanks from regulation, thus reducing costs to owners of those tanks. Additionally, by consolidating several of the certified installer categories and reducing specialization categories, owners and operators of storage tank facilities will in many cases be able to employ only one installer to perform necessary tank handling activities and this should also help to reduce costs. None of the changes contained in this final rulemaking will lead to increased costs for any person regulated under the act.

The Department will not incur additional costs as a result of the recommended changes. The Department's administration of the storage tank program will remain basically as it currently exists.

*Compliance Assistance Plan*

The Department's storage tank program is currently performing outreach and education efforts for the regulated community on a wide range of fronts. Through regional seminars and training sessions, fact sheets and the quarterly Storage Tank Monitor, the Department is attempting to ensure that all persons regulated by the act understand the act's provisions and have the knowledge to comply with those provisions. Because these amendments will probably have the greatest impact on the certified installers and inspectors working with storage tanks, the Department will make special efforts to ensure that those individuals are informed of and understand the changes made by this final rulemaking. Informational seminars will be provided for installers and inspectors.

*Paperwork*

This final rulemaking adds minor reporting requirements for the regulated community. By consolidating certification categories and reducing the time (but not activities) required to qualify for certification, the paperwork involved in applying for certification will be reduced. Reducing inspection requirements will also reduce inspection reporting requirements. The final rulemaking does, however, require certified companies, installers and inspectors to maintain records of tank handling and inspection activities for a minimum of 10 years. While the requirement to maintain these records existed in the original regulations, no minimum time limit for records retention had been established.

*G. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which it was intended.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking, published at 25 Pa.B. 5053 (November 6, 1995), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for their review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. The Committees did not submit comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee on August 13, 1996, and were deemed approved by the Senate Environmental Resources and Energy Committee on August 13, 1996. IRRC met on August 22, 1996, and approved the regulation in accordance with section 5 of the Regulatory Review Act.

*I. Findings*

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These amendments do not enlarge the purpose of the proposal published at 25 Pa.B. 5053.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of the Preamble.

*J. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 245, are amended by amending §§ 245.1, 245.2, 245.21, 245.102, 245.103, 245.105, 245.108—245.114, 245.123 and 245.132; and by adding § 245.31 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations. (*Editor's Note:* Proposed amendments to §§ 245.1 and 245.2, amended in this order, remain outstanding at 26 Pa.B. 3073 (June 29, 1996).)

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

JAMES M. SEIF,  
*Chairperson*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 4371 (September 7, 1996).)

**Fiscal Note:** Fiscal Note 7-286 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

Subchapter A. GENERAL PROVISIONS

GENERAL

§ 245.1. Definitions.

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

\* \* \* \* \*

*Aboveground field constructed metallic storage tank*—An aboveground storage tank that is manufactured from either ferrous or nonferrous metals and has final assembly completed at the job site. The term does not include associated piping.

*Aboveground manufactured metallic storage tank*—An aboveground storage tank that is manufactured from either ferrous or nonferrous metals and is completely fabricated and assembled in the shop prior to shipping. The term does not include piping.

*Aboveground nonmetallic storage tank*—An aboveground storage tank that is manufactured from nonmetallic materials; for example, fiberglass reinforced plastic, composites, plastics, and the like, and is completely fabricated and primarily assembled in the shop prior to shipping. The tank may require some additional final assembly at the job site. The term does not include associated piping.

*Aboveground storage tank*—One or a combination of stationary tanks with a capacity in excess of 250 gallons, including underground pipes and dispensing systems connected thereto within the emergency containment area, which is or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area. The term does not include the following, or pipes connected thereto:

(i) A tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes or motor oil.

\* \* \* \* \*

(xi) Tanks regulated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.

\* \* \* \* \*

(xiv) Tanks containing radioactive materials or coolants that are regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297).

(xv) Tanks regulated under the act of May 2, 1929 (P. L. 1513, No. 451), known as the Boiler Regulation Law (35 P. S. §§ 1301—1500).

(xvi) Other tanks excluded by regulations promulgated under the act.

\* \* \* \* \*

*Actively involved*—To perform or to conduct direct onsite supervision or oversight of the minimum number of qualifying activities in § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications) for renewal of installer or inspector certification in each applicable category, within the period in § 245.114(a)(3) (relating to renewal and amendment of certification).

*Adjacent*—Next to or contiguous with.

\* \* \* \* \*

*Aquifer*—A geologic formation, group of formations or part of a formation capable of yielding sufficient groundwater for monitoring purposes.

*Cathodic protection*—A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

*Certified company*—An entity, including, but not limited to, a sole proprietorship, a partnership or a corporation, which is authorized by this title to conduct tank handling activities, tightness testing activities or inspection activities using certified installers or certified inspectors, or both.

*Certified inspector*—A person certified by the Department to conduct inspections of tanks or storage tank facilities and who may conduct environmental audits. A certified inspector may not be an employe of a tank owner.

*Certified installer*—A person certified by the Department to install, modify or remove storage tanks. A certified installer may be an employe of a tank owner.

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

*Containment structure or facility*—Anything built, installed or established which comes in contact with regulated substances that are spilled, leaked, emitted, discharged, escaped, leached or disposed from a storage tank or storage tank system. The term includes, but is not limited to, a vault, dike, wall, building or secondary containment structure around an underground or aboveground storage tank, or any rock or other fill material placed around an underground storage tank.

\* \* \* \* \*

*Environmental audit*—Activities which may be conducted by a certified inspector to evaluate the storage tank system or storage tank facility site, equipment and records to determine evidence of an actual or possible release of regulated substance.

\* \* \* \* \*

*Groundwater degradation*—A measurable increase in the concentration of one or more contaminants in groundwater above background levels for those contaminants.

*Inspection activities*—Activities to inspect all or a part of a storage tank system or storage tank facility. These activities include, but are not limited to, evaluation of:

- (i) Storage tank system structural integrity.
- (ii) Construction and major modification.
- (iii) Facility operation.

\* \* \* \* \*

*Motor oil*—A petroleum product used to lubricate the internal parts of an engine. The term includes lubricating and operational fluids for the mechanical components associated with the engine, including any hydraulic, transmission, gear or braking systems.

\* \* \* \* \*

*Removal*—Activities involving removal of storage tank system components, ancillary equipment and appurtenances. The term includes removal from service activities when a storage tank or storage tank system is removed, but excludes site assessment activities.

*Removal from service*—The term includes the following:

(i) Activities related to rendering a storage tank system permanently unserviceable. Activities include the oversight of the proper draining and cleaning of the storage tank system of product liquids, vapors, accumulated sludges or solids, and completing one of the following:

\* \* \* \* \*

(ii) Discontinued use, abandonment, closure in place and permanent closure but does not include temporary closure as those terms are used in the act and the Federal regulations promulgated under the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6987).

(iii) Site assessment activities required under 40 CFR Part 280, Subpart G (relating to out-of-service underground storage tank systems and closure) and applicable State law, which are the responsibility of owners and operators, but are not conducted by certified installers and inspectors.

\* \* \* \* \*

*Solid Waste Management Act*—The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

\* \* \* \* \*

*Storage tank facility*—One or more stationary tanks, including associated intrafacility pipelines, fixtures, monitoring devices and other equipment. A facility may include aboveground tanks, underground tanks or a combination of both. For the purposes of the act and this part, the associated intrafacility pipelines, fixtures, monitoring devices and other equipment for an aboveground storage tank shall be that which lies within the emergency containment area. The term storage tank facility does not encompass portions of a facility that do not contain storage tank systems.

\* \* \* \* \*

*Tightness testing activities*—Testing activities which are designed and intended to detect leaks when performing precision tests, volumetric and nonvolumetric tests on underground storage tanks.

\* \* \* \* \*

*USTIF deductible*—The portion of liability incurred by an owner or operator of an underground storage tank for corrective action or for third party liability, within the limits of liability for USTIF coverage, which is the responsibility of the owner or operator and which is not indemnified by USTIF coverage. The USTIF deductible amount is established or revised by USTIB in accordance with section 705(c) of the act.

*Underground field constructed storage tank*—An underground storage tank that is manufactured from metallic

or nonmetallic materials and has final assembly completed at the job site. The term does not include associated piping.

*Underground manufactured storage tank*—An underground storage tank that is manufactured from metallic or nonmetallic materials and is completely fabricated and assembled in the shop prior to shipping. The term does not include associated piping.

*Underground storage tank*—One or a combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term does not include:

\* \* \* \* \*

(ii) Tanks used for storing heating oil for consumptive use on the premises where stored unless they are specifically required to be regulated by Federal law.

\* \* \* \* \*

(xi) Tanks regulated under the Solid Waste Management Act, including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management, except for tanks subject to 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)).

(xii) An underground storage tank system whose capacity is 110 gallons or less.

(xiii) Tanks containing radioactive materials or coolants that are regulated under the Atomic Energy Act of 1954.

(xiv) Other tanks excluded by policy or regulations promulgated under the act.

*Unregistered storage tank*—A storage tank, regulated under the act, which does not hold a current, valid registration.

*Water supply*—Existing, designated or planned sources of water or facilities or systems for the supply of water for human consumption or for agricultural, commercial, industrial or other legitimate use, protected by the applicable water supply provisions of § 93.3 (relating to protected water uses).

**§ 245.2. General.**

A person may not install, construct, erect, modify, operate or remove from service all or part of a storage tank system or storage tank facility in a manner that violates the act, this part or applicable Federal regulations adopted under the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6987). This chapter incorporates by reference the Federal regulations governing underground storage tank systems contained in 40 CFR Part 280, Subparts A—D and G.

**TANK HANDLING AND INSPECTION ACTIVITIES**

**§ 245.21. Tank handling and inspection requirements.**

(a) Tank handling activities shall be conducted by a certified installer except in the case of modification to an aboveground nonmetallic storage tank, which may be modified by the tank manufacturer. Storage tank facility owners and operators may not use persons who are not

Department certified to conduct tank handling activities except as noted in this subsection.

(b) Tank handling activities conducted on all field constructed storage tanks and tank handling activities conducted on all aboveground storage tanks having a capacity greater than 21,000 gallons shall be inspected by a certified inspector, except in the case of a minor modification or removal from service.

(c) The operation of storage tank facilities shall be inspected by a certified inspector. The frequency of inspection shall be based on:

(1) The age of the storage tank systems located at the storage tank facility.

(2) The type of regulated substances contained in the storage tank systems located at the storage tank facility.

(3) The distance of the storage tank facility from public and private surface water and groundwater supplies.

(4) The total capacity of the storage tank systems located at the storage tank facility.

(5) The geologic conditions at the storage tank facility.

(6) Whether the storage tank facility, owner or operator has violated the act or the regulations promulgated thereunder.

(7) Whether the storage tank facility has storage tank systems which are periodically taken out of service.

(8) Whether there is suspected contamination at the storage tank facility.

(9) The level of quality control maintained at the storage tank facility.

(d) Storage tank facilities shall also be inspected upon written notification from the Department or as required by permit.

#### **TIGHTNESS TESTING ACTIVITIES**

##### **§ 245.31. Underground storage tank tightness testing requirements.**

(a) Tightness testing activities shall be conducted by a Department certified underground tightness testing (UTT) installer, except when performed by an owner or operator using installed automatic tank gauging or monitoring equipment.

(b) Tightness testing is required to be conducted when it is:

(1) Used as a method of release (leak) detection as prescribed in § 245.2 (relating to general).

(2) Used to complete the installation of a new single wall constructed underground storage tank. The testing is an integral part of the installation process.

(3) Otherwise required by the Department.

(c) Tightness testing shall be conducted in accordance with equipment manufacturer's written instructions and using the recommended written practices, procedures and established test method protocols developed by the sources in § 245.132(a)(1) (relating to standards of performance).

(d) A failed valid tightness test will, regardless of the test method, constitute a suspected release, except as provided in § 245.304(b) (relating to investigation of suspected releases). A failed valid tightness test conducted as part of an investigation of a suspected release constitutes a confirmed release.

(e) A written test report shall be provided to the tank owner as documentation of test results. The test methodology and sufficient test data, which were used to conclude that the tank passed or failed the tightness test, shall be included in the test report.

#### **Subchapter B. CERTIFICATION PROGRAM FOR INSTALLERS AND INSPECTORS OF STORAGE TANKS AND STORAGE TANK FACILITIES**

##### **GENERAL CERTIFICATION REQUIREMENTS**

##### **§ 245.102. Requirement for certification.**

(a) A person may not conduct tank handling or tightness testing activities unless that person holds a current installer certification issued by the Department for the applicable certification category as indicated in § 245.110 (relating to certification of installers), except as provided in § 245.31 (relating to underground storage tank tightness testing requirements). Except as provided in § 245.103 (relating to phase-in from interim certification), installer certification will only be issued by the Department to a person who:

(1) Possesses minimum experience and qualifications as provided under § 245.111 (relating to certified installer experience and qualifications).

(2) Achieves a passing grade on a certification examination administered or approved by the Department for one or more of the certified installer categories described in § 245.110 for which the person is requesting certification.

(3) Submits an accurate and complete application.

(4) Is not found to be in violation of the act or this chapter and has not had a certification revoked by the Department under § 245.109 (relating to revocation of certification).

(b) A person may not conduct inspection activities at a storage tank system or storage tank facility required by the Department under the act and this part unless that person holds a current inspector certification issued by the Department for the applicable inspector certification category. Except as provided in § 245.103, inspector certification will only be issued by the Department to a person who:

(1) Possesses minimum experience and qualifications as provided under § 245.113 (relating to certified inspector experience and qualifications).

(2) Achieves a passing grade on a certification examination administered or approved by the Department for one or more of the certified inspector categories described in § 245.112 (relating to certification of inspectors) for which the person is requesting certification.

(3) Submits an accurate and complete application.

(4) Is not found to be in violation of the act or this chapter and has not had a certification revoked by the Department under § 245.109.

(c) Certified installers and certified inspectors shall successfully complete additional periodic training and testing administered or approved by the Department to maintain their certification. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training program.

(d) After March 23, 1992, a certified installer or certified inspector may not perform tank handling or inspection activities as an employe of a company unless the company holds a valid certification issued by the Department under this chapter.

**§ 245.103. Phase-in from interim certification.**

(a) The Department may issue an installer certification or inspector certification on a temporary basis for the applicable certification category to any person who meets the minimum experience requirements under § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications).

(b) A person certified as an installer or inspector on an interim basis under section 108 of the act (35 P. S. § 6021.108) who meets the minimum experience and qualification requirements under § 245.111 or § 245.113 may request temporary installer certification or temporary inspector certification on or before January 21, 1992. Failure to be granted temporary installer certification or temporary inspector certification on or before March 23, 1992, will result in revocation of interim certification.

(c) To be granted permanent installer certification or permanent inspector certification, a person who obtains temporary installer certification or temporary inspector certification under this section, shall, on or before September 21, 1994, achieve a passing grade on a certification examination administered or approved by the Department for one or more of the certified installer or inspector categories described in § 245.110 or § 245.112 (relating to certification of installers; and certification of inspectors). Failure to achieve a passing grade within this time will result in expiration of the temporary installer certification or temporary inspector certification.

(d) If the EQB deletes or consolidates certification categories or amends qualifications for certification prior to the expiration date of an installer or inspector's permanent certification, the permanent certification may still be used until the expiration date of the certification.

**§ 245.105. Certification examinations.**

(a) The Department will establish separate administrative and technical content for the examinations and the standards and criteria against which they will be evaluated to be used in determining the fitness of candidates for certification as certified installers or certified inspectors under the categories established by this chapter.

(b) The Department will schedule a date and location for the examinations for certified installer and certified inspector at least once in each calendar year.

(c) Only applicants who have been authorized by the Department, in accordance with this chapter, to take an examination will be admitted to an examination or issued a certification as a result of passing an examination. Authorization to take an examination will be based on compliance with the requirements of this chapter.

(d) To receive a passing grade on the examinations, the applicant for certification shall achieve a minimum score of 90% on each technical section and a minimum score of 80% on the administrative section of the examination.

(e) An applicant who fails two examinations for the same certification may not retake the examination until the applicant has successfully completed a training program that is administered or approved by the Department and focuses on those areas of the examination in which the applicant is deficient. Successful completion

means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training program.

**§ 245.108. Suspension of certification.**

(a) The Department may suspend the certification of a certified installer or certified inspector for good cause which includes, but is not limited to:

- (1) A violation of the act or this part.
- (2) Incompetency on the part of the certified installer or certified inspector as evidenced by errors in conducting duties and activities for which the certification in question was issued.
- (3) Failure to successfully complete a training program required by the Department.
- (4) In the case of a certified inspector's failure to:
  - (i) Inform the owner or operator and the Department of conditions or procedures that are not in accordance with the manufacturer's technical and procedural specifications for installation, construction, modification or operation of the storage tank system or storage tank facility.
  - (ii) Conduct, review or observe a test or inspection activity required by the act or this part.
  - (iii) Submit reports of inspection activities to the Department within 60 days of conducting the inspection activities.
- (5) In the case of a certified installer's failure to:
  - (i) Be present during tank handling activities at the storage tank system or storage tank facility as required by the act and this part.
  - (ii) Conduct tank handling activities in accordance with the requirements of the act and this part.
  - (iii) Submit tank handling reports and activities to the Department within 60 days of conducting the tank handling activities.

(i) Inform the owner or operator and the Department of conditions or procedures that are not in accordance with the manufacturer's technical and procedural specifications for installation, construction, modification or operation of the storage tank system or storage tank facility.

(ii) Conduct, review or observe a test or inspection activity required by the act or this part.

(iii) Submit reports of inspection activities to the Department within 60 days of conducting the inspection activities.

- (i) Be present during tank handling activities at the storage tank system or storage tank facility as required by the act and this part.
- (ii) Conduct tank handling activities in accordance with the requirements of the act and this part.
- (iii) Submit tank handling reports and activities to the Department within 60 days of conducting the tank handling activities.

(ii) Conduct tank handling activities in accordance with the requirements of the act and this part.

(iii) Submit tank handling reports and activities to the Department within 60 days of conducting the tank handling activities.

(6) Working as a certified installer or certified inspector in a certification category for which the person has failed to obtain certification.

(7) Failure to meet one or more of the standards for performance in § 245.132 (relating to standards of performance).

- (8) Submission of false information to the Department.
- (9) A violation of The Clean Streams Law or the Solid Waste Management Act or regulations promulgated under those statutes by the certified individual which results in the following:
  - (i) Causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.
  - (ii) Occurs as a result of the certified individual conducting activities related to the installation, modification, removal or inspection of storage tank systems.

(i) Causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.

(ii) Occurs as a result of the certified individual conducting activities related to the installation, modification, removal or inspection of storage tank systems.

(b) The suspension of a certification in a single category shall prevent the person from engaging in activities in all categories of certification.

(c) The Department may require that the person successfully complete a special training program sponsored or approved by the Department designed to strengthen the specific weakness in the certified installer's or certified inspector's duties, as required under the act or this

part identified in the suspension order. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training program.

(d) A certified installer or certified inspector shall surrender certification documents to the Department upon notification of suspension.

(e) The Department may reinstate the certification if:

- (1) The cause for the suspension has been removed.
- (2) The person is competent to execute duties and responsibilities for which certification was issued.

**§ 245.109. Revocation of certification.**

(a) The Department may revoke the certification of a certified installer or certified inspector if the certified installer or certified inspector has done one or more of the following:

- (1) Demonstrated a willful disregard of, or willful or repeated violations of the act or regulations promulgated thereunder or this part.
- (2) Willfully submitted false information to the Department.
- (3) Committed an act requiring suspension under § 245.108 (relating to suspension of certification) after having certification suspended previously.
- (b) The revocation of a certification in a single category shall prevent the person from engaging in activities in all categories of certification.

(c) A certified installer or certified inspector shall surrender certification documents to the Department upon notification of revocation.

**§ 245.110. Certification of installers.**

(a) An installer certification authorizes the person to whom it is issued to conduct tank handling activities or tightness testing activities pertaining to storage tank systems or storage tank facilities in one or more of the categories in subsection (b).

(b) Installer certifications may be issued for the following categories:

(1) *Underground storage tank system-installation and modification {UMX}*. Installation and modification of underground storage tanks and storage tank systems including, but not limited to, the tank and all associated ancillary equipment, appurtenances, corrosion protection systems, structural components and foundations. This category also includes conducting preinstallation air pressure tests for underground storage tank systems.

(2) *Underground storage tank-removal {UMR}*. Removal from service of underground [manufactured] storage tank systems or storage tank facilities.

(3) *Underground storage tank-tightness tester {UTT}*. Tightness testing activities involved in conducting and interpreting results of volumetric and nonvolumetric tests on underground storage tank systems or storage tank facilities.

(4) *Aboveground manufactured metallic storage tank-installation and modification {AMMX}*. Installation and modification of aboveground manufactured metallic storage tanks or storage tank systems, including, but not limited to, the tank and all associated ancillary equip-

ment, appurtenances and corrosion protection systems. This category also covers foundations and structural components when they are designed by an engineer qualified in civil construction or when installing small aboveground UL-labeled tanks with manufacturer's installed self-containment or diking systems.

(5) *Aboveground nonmetallic storage tank-installation and modification {AMNX}*. Installation and modification of aboveground nonmetallic storage tanks or storage tank systems, including, but not limited to, the tank and all associated ancillary equipment and appurtenances. This category also covers foundations and structural components when they are designed by an engineer qualified in civil construction or as specified by the tank manufacturer.

(6) *Aboveground manufactured storage tank-removal {AMR}*. Removal from service of aboveground manufactured storage tank systems or storage tank facilities.

(7) *Aboveground field constructed metallic storage tank-installation, modification and removal {AFMX}*. Installation, modification and removal of aboveground field constructed metallic storage tanks and corrosion protection systems.

(8) *Aboveground field constructed storage tank-removal {AFR}*. Removal from service of aboveground field constructed storage tank systems or storage tank facilities.

(9) *Aboveground storage tank mechanical-installation, modification and removal {AMEX}*. Installation, modification and removal of tank related mechanical appurtenances, including, but not limited to, valves, fill piping, suction piping, foam system piping, pumps, corrosion protection systems, release detection systems, and spill and overfill prevention systems that are components of an aboveground storage tank system or storage tank facility.

(10) *Aboveground storage tank-civil {ACVL}*. Installation and modification of tank related structural components, including, but not limited to, foundations, dike walls, field grading, above and below grade vaults, pump supports, pipe supports, corrosion protection systems and drainage systems associated with an aboveground storage tank system or storage tank facility.

(11) *Storage tank-liner {TL}*. Activities involved in installing internal linings for underground and aboveground storage tank systems or storage tank facilities.

**§ 245.111. Certified installer experience and qualifications.**

(a) An applicant shall meet the following minimum experience or education requirements, or both, and have completed the required number of activities in the appropriate category for an installer certification:

Category	Total Experience or Education plus Experience	Total Number of Activities Completed
UMX	2 years, or college degree and 1 year	15 installations
UMR	2 years, or college degree and 1 year	15 removals
UTT	Department approved training with testing equipment manufacturer's certification	

<i>Category</i>	<i>Total Experience or Education plus Experience</i>	<i>Total Number of Activities Completed</i>
AMMX	2 years, or college degree and 1 year or UMX Certification	15 installations None
AMNX	2 years, or college degree and 1 year or AFMX Certification	15 which may be installations or major modifications None
AMR	2 years, or college degree and 1 year or UMR Certification	15 removals None
AFMX	3 years, or college degree and 2 years or AFR Certification	20 which may be installations or major modifications None
AFR	2 years, or college degree and 1 year	15 removals
AMEX	3 years, or college degree and 2 years	20 (10 installations and 10 modifications)
ACVL	3 years, or college degree and 2 years	20 (10 installations and 10 modifications)
TL	2 years	15 tank linings
	* * * * *	

(d) The total experience requirement for underground storage tank-tightness tester {UTT} shall be demonstrated through the submission of proof of successful completion of a training program sponsored or approved by the Department and possession of a current equipment manufacturer's certification for a specific method of testing. The Department's UTT certification is limited to the specific method of testing included in the equipment manufacturer's certification. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training course.

\* \* \* \* \*

(f) In the category for aboveground field constructed metallic storage tank {AFMX}, for installation or reconstruction activities involving tanks greater than 90 feet in diameter, each activity shall count as two installations for purposes of meeting the total number of activities requirement.

(g) Six months experience may be accredited to an installer applicant who successfully completes a Department approved training program applicable to the certification category being requested. The 6 months experience shall be accredited to the total years of experience required by subsection (a), except for applicants who are substituting a college degree for experience.

**§ 245.112. Certification of inspectors.**

(a) An inspector certification authorizes the person to whom it is issued to conduct inspection activities for storage tank systems and storage tank facilities in one or more of the categories in subsection (b).

(b) Inspector certifications may be issued for the following categories:

(1) IUM underground storage tank systems and storage tank facilities.

(2) IAM aboveground manufactured storage tank systems and storage tank facilities.

(3) IAF aboveground field constructed storage tank systems and storage tank facilities.

**§ 245.113. Certified inspector experience and qualifications.**

(a) An applicant shall meet the following minimum experience or education requirements, or both, and have completed the required number of activities in the appropriate category of an inspector certification:

<i>Category</i>	<i>Total Experience and Qualification or Education plus Experience</i>	<i>Total Number of Activities Completed</i>
IUM	1. 4 years, or college degree and 2 years 2. Department approved tank tightness testing familiarization course or UTT certification	20 (10 installations and 10 major modifications) or (20 operations inspections for certification renewal applicants)
	or	
IAM	IAM certification and Department approved tank tightness testing familiarization course or UTT certification	None
IAM	1. 4 years, or college degree and 2 years 2. Nondestructive testing level 2 certification using current ASNT recommended practice (SNT-TC-1A) or Department approved aboveground tank inspector training course or API 653 Certification	20 (which may be any combination of installations, major modifications or service inspections)
	or	
	IAF Certification	None



<i>Category</i>	<i>Total Experience and Qualification or Education plus Experience</i>	<i>Total Number of Activities Completed</i>
IAF	1. 4 years, or college degree and 2 years 2. Nondestructive testing level 2 certification using current ASNT recommended practice (SNT-TC-1A) or Department approved API 653 training course or API 653 certification.	20 (which may be any combination of installations, major modifications or inspections under API 653 standards)
	* * * * *	

(b) The total number of activities completed required by subsection (a) shall have been completed within the 7-year period immediately prior to submitting the application for certification. The activities shall have been completed in compliance with Federal and State requirements and the applicant shall have had substantial personal involvement at the storage tank site in the activities.

(c) A college degree being substituted for experience shall be in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, hydrology, geology or environmental studies.

(d) The total number of activities completed required by subsection (a) may be met through the conducting of tank handling or inspection activities. Noncertified individuals may work at the site but the certified inspector is directly responsible to assure that the activities are conducted properly. This work qualifies toward the total number of activities completed requirements.

(e) The total experience requirement is experience gained working at a storage tank site while working towards the total number of activities completed requirement.

(f) When conducting an aboveground storage tank structural integrity inspection on an aboveground field constructed metallic storage tank, the Department certified inspector shall also possess API Standard 653 (Tank Inspection, Repair, Alteration and Reconstruction Certification).

**§ 245.114. Renewal and amendment of certification.**

(a) Except as provided in § 245.103 (relating to phase-in from interim certification), certification shall be for 3 years from the date of issuance unless suspended or revoked. The date of certification expiration for amended certification applications shall coincide with the expiration dates of other certification categories for which the same certification examination modules were administered and passing grades were received. An applicant for renewal shall:

- (1) Submit a completed application for renewal to the Department at least 120 days prior to the renewal date.
- (2) Successfully complete training programs which may be required by the Department. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under

§ 245.141 (relating to training approval) for all sections of all qualifying tests given as part of the training course.

(3) Have been actively involved in tank handling or inspection activities in each individually certified category during the previous 3-year period immediately prior to submitting the renewal application for certification or take the technical module examinations again for all inactive certification categories and achieve a passing grade as described in § 245.105(d) (relating to certification examinations).

(b) A certified installer or certified inspector shall notify the Department and seek amendment of the certification from the Department whenever:

(1) There is a change in the information provided in the application for the certification. This request shall be made within 14 days from the date of a change in information.

(2) The certified installer or certified inspector wishes to conduct tank handling or inspection activities in installer or inspector certification categories other than those approved by the Department as set forth on the certification.

(3) The certified installer or certified inspector wishes to eliminate installer or inspector certification categories from the certification.

(4) The EQB amends certification categories or qualification requirements and establishes a phase-in period for the new requirements.

(c) Certified installers or certified inspectors required to amend their certifications in accordance with subsection (b)(1) or (3) shall apply for amendment on a form provided by the Department.

(d) Certified installers or certified inspectors required to amend their certifications in accordance with subsection (b)(2) shall comply with the applicable requirements of this chapter related to application, experience, qualifications and examination.

**§ 245.123. Suspension of company certification.**

(a) The Department may suspend the certification of a certified company for good cause, which includes, but is not limited to:

(1) A violation of the act or this chapter by the company or a certified installer or certified inspector employed by the company.

(2) Incompetency on the part of the company as evidenced by errors in executing duties and responsibilities for which the certification was issued.

(3) Failure to meet one or more of the standards of performance in § 245.132 (relating to standards of performance).

(4) A violation of The Clean Streams Law or the Solid Waste Management Act or regulations promulgated thereunder by the company or a certified installer or a certified inspector employed by the company which results in the following:

(i) Causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.

(ii) Occurs while conducting activities related to the installation, modification, removal from service or inspection of storage tank systems.

(5) Withholding from a certified installer or certified inspector, individual correspondence or certification documents issued by the Department.

(b) The Department may reinstate the certification if the following apply:

(1) The certified company and certified installers and certified inspectors employed by the certified company are competent to execute the duties and responsibilities for which certification was issued.

(2) The cause for the suspension has been removed.

(c) Suspension of a certification by the Department shall prevent a company from conducting tank handling or inspection activities during the suspension.

**§ 245.132. Standards of performance.**

(a) Certified companies, certified installers and certified inspectors shall:

(1) Maintain manufacturers, American Society of Non-destructive Testing (ASNT), American Petroleum Institute (API), American Society of Mechanical Engineers (ASME), Underwriters Laboratory (UL), Petroleum Equipment Institute (PEI), EPA and Department technical and administrative specifications and manuals which pertain to the categories for which certification was issued. This material is available from the following sources:

(i) American Society of Nondestructive Testing, 1711 Arlingate Lane, Post Office Box 28518, Columbus, Ohio 43228-0518.

(ii) American Petroleum Institute, 2535 One Main Place, Dallas, TX 75202-3904.

(iii) American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

(iv) Underwriters Laboratory, Suite 400, 818 Eighteenth Street, N.W., Washington D.C. 20006.

(v) Petroleum Equipment Institute, Post Office Box 2380, Tulsa, Oklahoma 74101.

(vi) Environmental Protection Agency, Region III, UST/LUST Section (3HW63), 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

(vii) Department of Environmental Protection, Division of Storage Tanks, 400 Market Street, Post Office Box 8762, Harrisburg, Pennsylvania 17105-8762.

(2) Complete and file with the Department on a form provided by the Department a certification that the tank handling activity or inspection activity conducted by the certified installer or certified inspector meets the requirements of the act and this part.

(3) Maintain complete records of tank handling and inspection activities for a minimum of 10 years.

(4) Report to the Department a release of a regulated substance or confirmed or suspected contamination of soil, surface or groundwater from regulated substances observed while performing services as a certified installer or certified inspector. This notification shall be submitted to the Department in writing within 48 hours of observing suspected or confirmed contamination on a form provided by the Department. If the notification is being submitted because of a failed valid tightness test, a copy of the test results shall also be provided to the Department with the notification report. When there is a reportable release, the notification may be submitted jointly by the owner, operator, certified installer and certified inspector. In this instance, the written notification report shall be submitted to the Department, at the appropriate regional office, in accordance with § 245.305 (relating to reporting releases).

(5) Perform certified installer or certified inspector activities so that there is no release of regulated substances or contamination of soil, surface or groundwater caused by regulated substances from a storage tank system or storage tank facility.

(6) Not affix the certified installer's or certified inspector's signature or certification number to documentation concerning the installation or inspection of a component of a storage tank system project or to documentation concerning tank handling or inspection activity, unless:

(i) The storage tank system project was accomplished by the certified installer or under the installer's direct, onsite supervision and control.

(ii) Inspection activities were conducted on the storage tank system project by the certified inspector, or under the inspector's direct, onsite supervision and control and as required by the act and this chapter and the certified inspector was present at the site during the conducting of inspection activities on the storage tank system project and as required by the act and this chapter.

(7) Not certify to an owner or operator that a storage tank system project or component thereof is complete unless it complies with the act or this chapter.

(8) Adhere to equipment manufacturer's instructions, accepted industry standards and applicable industry codes of practice when performing tank handling, tightness testing or inspection activities.

(b) A certified installer or certified inspector shall display his certificate upon request.

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