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# PENNSYLVANIA BULLETIN

Volume 28  
Saturday, September 26, 1998 • Harrisburg, Pa.  
Number 39  
Pages 4777—4872

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Environmental Quality Board's  
Mobile Equipment Repair and Refinishing

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Independent Regulatory Review Commission  
Insurance Department  
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Pennsylvania Public Utility Commission  
State Horse Racing Commission  
Turnpike Commission

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

**No. 286, September 1998**

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**PENNSYLVANIA**



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## ***Pennsylvania Bulletin***

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

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

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

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

## **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.

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### Printing Format

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

### Fiscal Notes

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

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

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# 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 1998.

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## **Part II**

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## BULLETIN

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# THE COURTS

## Title 225—RULES OF EVIDENCE

### Pennsylvania Rules of Evidence—Application of Rules to Trials, Hearings, and Other Proceedings Covered by the Rules of Evidence Which Begin on or After October 1, 1998; No. 206 Supreme Court Rules Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 11th day of September, 1998, this Court hereby orders that the Pennsylvania Rules of Evidence adopted by the Supreme Court of Pennsylvania on May 8, 1998, will apply only to all trials, hearings and proceedings covered by the Pennsylvania Rules of Evidence which begin on or after October 1, 1998 (the effective date of said rules).

[Pa.B. Doc. No. 98-1547. Filed for public inspection September 25, 1998, 9:00 a.m.]

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## SUPREME COURT

### Establishment of the Committee on Rules of Evidence; No. 203 Supreme Court Rules Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 8th day of September, 1998, pursuant to Article V, Section 10(c) of the Constitution of Pennsylva-

nia, the Court hereby establishes the Committee on Rules of Evidence.

#### 1. The Committee shall

(a) Assist and advise the Supreme Court in the preparation, adoption, promulgation and revision of rules of evidence governing proceedings in the courts of the Commonwealth.

(b) Assist and advise the Supreme Court on the implementation of the Judiciary Article of the Constitution of Pennsylvania as it relates to rules of evidence.

2. The Committee shall be composed of nine members of the bench or bar of the Commonwealth. One of the members shall be designated by the Court as Chair and one as Vice-Chair of the Committee. Initial appointments shall be for one, two or three-year terms and shall commence on the 1st day of October, 1998. Thereafter appointments shall be for three years and members shall serve no more than two consecutive three-year terms.

3. There shall be an Official Reporter to the Committee, who shall serve for an initial term of three years.

4. Members of the Committee shall serve without compensation, except for reimbursement of expenses incurred on behalf of the Committee.

5. The Court Administrator of Pennsylvania shall exercise discretion to provide such staff and other assistance as may be necessary to assist the Committee in performing its duties.

#### 6. This Order shall be effective October 1, 1998.

[Pa.B. Doc. No. 98-1548. Filed for public inspection September 25, 1998, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 65 AND 93]

#### Commission Property, Fishing and Boating

The Fish and Boat Commission (Commission) by this order amends Chapters 53, 65 and 93. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments concern Commission property, fishing and boating.

#### A. *Effective Date*

These amendments will go into effect upon publication of this order adopting the amendments.

#### B. *Contact Person*

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

#### C. *Statutory Authority*

These amendments are published under the statutory authority of sections 741, 2102 and 5122 of the code (relating to control of property; rules and regulations; and registrations, licenses, permits, plates and statistics).

#### D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to Commission property, fishing and boating. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. *Summary of Changes*

1) *Section 53.13 (relating to domestic water supply reservoirs)*. For many years, the Commission has pursued an active program of encouraging agreements from municipal water supplies to allow fishing in the waters of domestic water supply reservoirs. The Commission has entered into agreements with numerous municipal authorities to make these reservoirs subject to Commission property regulations and establish additional restrictions. This course of action is beneficial to the angling public since it provides important fishing opportunities. It is also beneficial to the operators of the water supply reservoirs since it makes Commission property regulations and additional restrictions applicable to these sites.

In reviewing the regulation applicable to this program, it appeared that it can be streamlined. The regulation currently provides that additional restrictions contained in agreements between municipal authorities and the Commission shall be fully enforceable when posted at the site. The regulation goes on to list some of the additional restrictions applicable to many of the water supply reservoirs with which the Commission has agreements. Including the specific list of additional restrictions in the regulation text appears unnecessary since the regulation also provides that the additional restrictions are fully enforceable when approved by the Executive Director and posted at the site. Accordingly, the Commission has amended the regulation to address this issue.

2) *Section 65.24 (relating to miscellaneous special regulations)*. Angling at the Fairmount fishway on the Schuylkill River has reached the point where a change in regulations is necessary for the well being of users as well as fish, including migratory species such as American shad, gizzard and hickory shad and striped bass. Fairmount Dam (river mile 9.0) is the first barrier that migratory species encounter as they come up the Schuylkill River. A fish passage facility was open for use in the spring of 1979 and was successful in passing migratory species, including American shad, gizzard shad, river herring and a host of warmwater/coolwater species. Aside from problems in maintaining an operational facility due to debris clogging the facility, fish have utilized this facility annually. At the same time, anglers began to frequent the site because: 1) it provides much needed shore access along the river; and 2) the dam provides excellent habitat for fish moving up the river. The Commission made an exception to the restriction prohibiting angling within 100 feet of a fishway so anglers could take advantage of the access at the fishway. Over the years, as water quality in the Schuylkill and Delaware continued to improve so did the density of fish congregating downstream of the dam and along the fishway wall. Angling interest did likewise, including those who opted to use snagging gear, particularly when schools of gizzard shad made snagging very easy. In addition, enterprising anglers with specialized nets would break through fences on the top of the fishway and place homemade gill nets in the vertical slots between individual pools. Despite herculean efforts by various waterways conservation Officers and their deputies, illegal angling activities at the fishway continue to increase. Thus, the Commission has amended this section to no longer permit fishing within 100 feet of the Fairmount fishway.

3) *Section 93.2 (relating to permanent and temporary registration)*. At its October 1997 meeting, the Senate Game and Fisheries Committee asked the Commission staff to look at regulatory actions to address concerns related to Senate Bill 686. This bill, introduced by Senator Leonard Bodack, would change the code so that when a person receives a new boat registration, it would be valid for 2 years from the date of issuance. Thereafter, it is presumed that renewals would be issued on the same 2-year cycle. Thus, if a person obtained a new registration in July 1997, it would expire in July 1999 and so on.

Under the current cycle, renewals are sent out in the winter, and the vast majority of renewals are issued by March 31. This enables Commission staff to complete action on most renewals before they are inundated with new registrations in the summer. The Commission is able to process hundreds of thousands of new and renewal boat registrations each year with a very small staff of five permanent and four seasonal employees because the current law is effective in its timing of renewals vis-a-vis the bulk of new registrations. If SB 686 becomes law in its present form, more and more renewals will need to be processed in the same summer months when staff are handling most new registrations. Eventually, over a period of several years, it is likely that the majority of renewals and new registrations will be concentrated in the same months.

The Commission believes that its staff's efforts to provide the best possible service to boat registration customers depend, in part, on the ability to schedule the renewal cycle so that it does not conflict with the timing

of the bulk new registrations. Changing over to a renewal cycle based on the month the boat is first registered would entail additional costs in terms of computer programming. The Commission fears that, if renewals become concentrated in the same months when most new registrations are issued, it may also face additional personnel costs.

Even though the Commission would like to maintain the current cycle whereby most renewals are handled in February and March, it agrees that some changes may be desirable to ensure that persons who obtain new boat registrations get fair value for their registration fees. The Commission recently approved changes to the boat registration regulations, effective January 1998, to permit the transfer of boat registrations so that persons who change boats in the middle of a registration cycle can keep on the same cycle at a cost of \$5. Prior to this change, which was instituted as a direct result of Senator Bodack's inquiry, a registrant had to pay for a new registration when the registrant changed boats regardless of the timing or the circumstances.

The Commission has amended its regulations to ensure that no matter when someone obtains a new registration, the registrant will get to boat during two boating seasons on their initial registrations. Under current regulations, October 1 is the cutoff point for determining the duration of a new registration. Thus, a person who obtains a new registration in September 1997 will need to renew in March 1999, while a person who obtains a new registration in October 1997 will not need to renew until March 2000. Although it might seem the September registrant is being shortchanged, it is important to remember that, in most cases, the registrant had use of the boat for at least 60 days prior to September under the temporary registration sticker. Thus, even under the current regulations, a September registrant would be able to boat in July and August of one boating season and all of the following boating season under a single 2-year registration. The Commission has amended § 93.2 to make it clear that the expiration date of a 2-year registration will cover at least two boating seasons.

*F. Paperwork*

The amendments will not increase paperwork and will not create any new paperwork requirements.

*G. Fiscal Impact*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

*H. Public Involvement*

A notice of proposed rulemaking containing the proposed amendments was published at 28 Pa.B. 1837 (April 18, 1998). The Commission did not receive any public comments regarding the proposed amendments.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided, and the Commission did not receive any comments.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 65 and 93, are amended by amending §§ 53.13, 65.24 and 93.2 to read as set forth at 28 Pa.B. 1837. (*Editor's Note:* A proposal to amend § 65.24 remains outstanding at 28 Pa.B. 3058 (July 4, 1998).)

(b) The Executive Director will submit this order and 28 Pa.B. 1837 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 1837 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*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-79 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-1549. Filed for public inspection September 25, 1998, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[58 PA. CODE CHS. 91, 95, 97, 109 AND 113]**  
**Boating**

The Fish and Boat Commission (Commission) by this order amends 58 Pa. Code Chapters 91, 95, 97, 109 and 113. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments concern boating.

*A. Effective Date*

These amendments will go into effect upon publication of this order adopting these amendments.

*B. Contact Person*

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

*C. Statutory Authority*

These amendments are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

*D. Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the amendments is described in more detail under the summary of changes. Prior to consideration by the Commission on final rulemaking, the Commission's Boating Advisory Board considered the proposed amendments and recommended adoption by the Commission.



### E. Summary of Changes

1) *Section 91.2 (relating to definitions)*. The Commission's Bureau of Law Enforcement has reported that many boat operators are not counting passengers being towed behind their boats as being included in the number of persons allowed on the boat as rated by the capacity plate. To clarify this requirement, the Commission amended the definition of "passenger."

2) *Sections 91.4 and 109.3 (relating to age of operator; and personal watercraft)*. The Commission recently amended § 109.3 to provide that: (1) no one 11 years old or younger may operate a personal watercraft; (2) persons 12 to 15 years of age may operate a personal watercraft alone, with no passengers on board, only if they have in their possession a Boating Safety Certificate issued or recognized by the Commission; and (3) persons 12 to 15 years of age may operate a personal watercraft with or without a Boating Safety Certificate if accompanied by someone at least 18 years of age. This is somewhat different from the requirements of § 91.4 that provides that persons 11 years of age or younger must be accompanied by someone at least 16 years of age to operate a motorboat of 10 horsepower or more. This section also requires persons 12 to 15 years of age to obtain a Boating Safety Certificate to operate boats alone with no restrictions on passengers. If they do not have a Certificate, they must be accompanied by someone at least 16 years of age. The primary difference between boats of 10 horsepower or more and personal watercraft is that no one 11 years or age or younger may operate a personal watercraft, and persons 12 to 15 years of age may not operate a personal watercraft with passengers unless the passengers are at least 18 years of age. The new § 109.3 is somewhat difficult to understand or to explain, especially with the different age of operator requirements in § 91.4. To simplify the regulations, the Commission proposed to amend § 91.4 and to delete § 109.3(h) in its entirety. On final rulemaking, the Commission, in the interest of clarity, struck the proposed text of § 91.4 in the notice of proposed rulemaking and substituted it with the text to read as set forth in Annex A. The Commission also deleted § 109.3(h) in its entirety, as proposed.

3) *Section 91.6 (relating to certificates)*. The Commission currently issues Boating Safety Education Certificates free of charge to residents who have successfully completed a National Association of State Boating Law Administrators (NASBLA), an approved Commission, a United States Power Squadrons (Squadrons) or a United States Coast Guard Auxiliary (Auxiliary) classroom boating course. The NASBLA recommends that the states recognize, for reciprocity, courses that have been approved by the NASBLA and recognized by the United States Coast Guard (Guard). The Commission therefore proposed to amend this section to accept Boating Safety Education Certificates from boaters coming into this Commonwealth from out-of-State that are issued by another state or province or by the Auxiliary or Squadrons in another state or province. On final rulemaking, the Commission determined that in addition to accepting certificates issued by the Auxiliary and the Squadrons, the Commission should accept certificates from private organizations such as the American Sailing Association that sponsors and teaches a Nationally known sailing school. Certificates issued by private companies or Internet programs will not be accepted. The Commission adopted the amendment to read as set forth in Annex A.

4) *Section 95.3 (relating to lights for boats)*. The Federal Rules of the Road exclude boats less than 7 meters in

length from the requirement of displaying an anchor light when not in a channel or other area where boats normally navigate. The Commission intended, with § 95.3 (d), to remove this exemption to require lights on all boats on all waters of this Commonwealth. Instead, a strict reading of the regulation leads to an interpretation that only those boats less than 7 meters are required to display anchor lights. The Commission amended this regulation to clarify that an anchor light is required on all boats at all times on most waters of this Commonwealth.

5) *Section 97.1 (relating to personal flotation devices)*. This section prohibits the use of recreational vessels without one personal flotation device (PFD) for each person on board. The code does not define the word "recreational," and the word "vessel" is a boat that is defined as "every description of watercraft constructed or sold for the primary purpose of being used as a means of transportation on water." The use of these two terms together creates several problems. One is that the requirement appears not to apply to vessels used in commerce since they are not used for recreation. Second, the strict definition of "vessel" excludes certain other craft from the requirement. If the vessel was not intended as a means of transportation on water, its passengers do not have to have PFDs. The Commission therefore amended this section to replace the term "recreational vessel" with the broader term "boat" since it was not the original intent of this regulation to limit the PFD requirement to recreational vessels only.

6) *Section 109.3 (relating to personal watercraft)*. A request has been received by the Bureau of Law Enforcement to amend this section so that the number of water skiers towed by a personal watercraft is limited to one. Law enforcement officers have noticed an increase in situations where operators are exceeding the carry capacity of personal watercraft by pulling more than one skier while having a full capacity of passengers on board. If an emergency were to occur or a skier wanted to board the vessel, the skier would be unable to do so. This creates an unsafe boating practice that needs to be more clearly addressed in the regulations. Therefore, the Commission amended this section to address this concern.

7) *Chapter 113 (relating to Aids to Navigation and Obstructions to Navigation)*. The United States began conversion of the United States Aids to Navigation System (System) to harmonize with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System in 1985, and completed the conversion for all Coast Guard maintained aids in 1989. The System has not changed in substance. It remains primarily a lateral aids to navigation system. The major changes are the introduction of the yellow special mark, the replacement of the black and white mid-channel aids with the red and white safe water mark, and most notably, the replacement of the older black port-hand buoys with green buoys. Information and regulatory marks remain the same as that of the Uniform State Waterway Marking System (USWMS). The states were not required to change to the System, but the Commission felt that since the USCG was making the change, the Commonwealth should as well. The Commission started replacing the black buoys and black and white mid-channel buoys when they were no longer serviceable; the Commission replaced them with the green buoys and the red and white safe water buoys. All buoys in this Commonwealth now conform to the System. The USCG has proposed rules that would eliminate the USWMS. The Commission therefore amended Chapter 113 to reflect the current practice.

F. *Paperwork*

The amendments will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking containing the proposed amendments was published at 28 Pa.B. 1533 (March 28, 1998). The Commission did not receive any public comments regarding the proposed amendments.

*Findings*

The Commission finds that:

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

(2) A public comment period was provided, and the Commission did not receive any comments.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 91, 95, 97, 109 and 113, are amended by amending §§ 91.2, 95.3, 97.1, 109.3, 113.1 and 113.2 to read as set forth at 28 Pa.B. 1533, and by amending §§ 91.4 and 91.6 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 28 Pa.B. 1533 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 28 Pa.B. 1533 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*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-77 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.4. Age of operator.

(a) The following age restrictions apply to the operation of a motorboat propelled by a motor greater than 10 horsepower (other than personal watercraft):

(1) A person 11 years of age or younger may not operate such a watercraft unless at least one person 16 years of age or older is present onboard.

(2) A person 12 through 15 years of age may not operate such a watercraft unless the person has obtained and has in his possession a Boating Safety Education Certificate or at least one person 16 years of age or older is present onboard.

(b) The following age restrictions apply to the operation of personal watercraft:

(1) A person 11 years of age or younger may not operate a personal watercraft.

(2) A person 12 through 15 years of age may not operate a personal watercraft unless he has obtained and has in his possession a Boating Safety Education Certificate.

(3) A person 12 through 15 years of age may not operate a personal watercraft if there are any passengers onboard 15 years of age or younger.

§ 91.6. Certificates.

(a) A certificate, license or other document required under this subpart or the code shall be carried when the boat is in operation and shall be carried so that it can be handed to an officer authorized to enforce this subject.

(b) A Boating Safety Education Certificate is one issued to an individual by one of the following:

(1) The Commission or another state or province for successful completion of a boating safety education program approved by the Commission and the National Association of State Boating Law Administrators.

(2) The United States Coast Guard Auxiliary or the United States Power Squadrons or other organizations approved by the Executive Director in another state or province for successful completion of a boating safety education program approved by the National Association of State Boating Law Administrators.

[Pa.B. Doc. No. 98-1550. Filed for public inspection September 25, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 126 AND 139]

### Gasoline Volatility Requirements

The Environmental Quality Board (Board) proposes to amend Chapters 121, 126 and 139 to read as set forth in Annex A. The proposed amendments will eliminate the use of Federal reformulated gasoline (RFG) as a compliant fuel in the Pittsburgh-Beaver Valley Area during the ozone season. In addition, the proposed amendments will make a technical language correction relating to sampling procedures.

The Board approved the proposed amendments at its July 21, 1998, meeting.

#### A. *Effective Date*

These proposed amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rule-making.

#### B. *Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663, or R. A. Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This action is being taken under the authority of section 5 of the Air Pollution Control Act (35 P. S. § 4005) which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

#### D. *Background and Summary of the Proposed Amendments*

These amendments propose to eliminate the use of RFG as a compliant fuel in the Pittsburgh-Beaver Valley Area during the ozone season. Because of concerns with implementation of the current regulation as it relates to RFG, the Department is eliminating the RFG provisions. Since refiners and marketers have been supplying low Reid vapor pressure (RVP) gasoline during the ozone season, these proposed amendments will have minimal practical consequences. These amendments also propose to correct technical language relating to sampling procedures.

These proposed amendments were submitted to and approved by the Air Quality Technical Advisory Committee and the Small Business Assistance Program Compliance Advisory Committee.

#### E. *Summary of the Regulatory Revisions*

The Department is proposing to delete definitions for the term "Federal Reformulated Gasoline or RFG" and

eliminate RFG from the term "compliant fuel." The Department also proposes to eliminate the references to RFG in §§ 126.301—126.303. In addition, the Department proposes to clarify the record retention requirements in § 126.302(c) (relating to recordkeeping and reporting) that records shall be kept onsite. Finally, the Department proposes to correct technical language in § 139.4(18) (relating to references).

#### F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

##### *Compliance Costs*

There will be no increased cost to the regulated community as a result of this proposal. Since low RVP gasoline is already required in the area, there will be no additional cost to the public or to local or State government. Low RVP gasoline on average is 2 ¢ per gallon less than RFG gasoline.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community with understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing regional compliance assistance program.

##### *Paperwork Requirements*

There will be no additional recordkeeping and reporting costs for an entity that sells or transfers gasoline intended for use in the seven-county Pittsburgh-Beaver Valley Area during the ozone season.

#### G. *Sunset Review*

These proposed amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the amendments effectively fulfill the goals for which they were intended.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 8, 1998, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review 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 the Department, the Governor and the General Assembly to review these objections before final publication of the amendments.

I. Public Comment and Public Hearing
Public Hearing

The Board will hold one public hearing for the purpose of accepting comments on the proposed amendments. The hearing will be held at 2 p.m. on November 2, 1998, at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

Persons wishing to present testimony at the hearing are asked to contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate, should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Written Comments

In lieu of or in addition to presenting oral testimony at the hearing, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, 15th Floor, Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by December 2, 1998. In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by December 2, 1998. The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments

Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us. A subject heading identifying the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by December 2, 1998.

JAMES M. SEIF, Chairperson

Fiscal Note: 7-341. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES
CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Compliant fuel—Low RVP gasoline [ or RFG ].

\* \* \* \* \*

[ RFG—Federal Reformulated Gasoline—Gasoline that meets the requirements for RFG as specified in 40 CFR Part 80 Subpart D (relating to reformulated gasoline). ]

\* \* \* \* \*

CHAPTER 126. STANDARDS FOR MOTOR FUELS
Subchapter C. GASOLINE VOLATILITY REQUIREMENTS

§ 126.301. Compliant fuel requirement.

\* \* \* \* \*

[ (d) If RFG is required by operation of Federal law to be sold in the Pittsburgh-Beaver Valley, this subchapter no longer applies after the date that RFG is required to be sold. ]

§ 126.302. Recordkeeping and reporting.

(a) Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in the Pittsburgh-Beaver Valley area during the period described in § 126.301(a) (relating to compliant fuel requirement), each time the physical custody of or title to a shipment of gasoline changes hands, other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. This record shall legibly and conspicuously contain, at a minimum, the following information:

\* \* \* \* \*

(6) A statement or grade code certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon [ or is certified as RFG. If the gasoline is certified as RFG, each invoice, loading ticket, bill of lading, delivery ticket and other document that accompanies a shipment of RFG shall contain a statement from the refiner that certifies this fact ].

\* \* \* \* \*

(c) Each person in the gasoline distribution network shall maintain records containing the compliance information in subsection (a). These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel, and shall be kept onsite at each point in the distribution network.

§ 126.303. Compliance and test methods.

[ (a) ] \* \* \*

\* \* \* \* \*

[ (b) RFG shall be certified and tested in accordance with 40 CFR Part 80, Subpart D (relating to reformulated gasoline). ]

CHAPTER 139. SAMPLING AND TESTING
Subchapter A. SAMPLING AND TESTING METHODS AND PROCEDURES
GENERAL

§ 139.4. References.

The references referred to in this chapter are as follows:

\* \* \* \* \*

(18) "Sampling Procedures for Fuel Volatility," 40 CFR Part 80, Appendix D (relating to [ **reformulated gasoline** ] **sampling procedures for fuel volatility**).

\* \* \* \* \*

[Pa.B. Doc. No. 98-1551. Filed for public inspection September 25, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

[31 PA. CODE CH. 84]

### Tables Approved for Use in Determining Minimum Nonforfeiture Standards and Minimum Standards for Valuation

The Insurance Department (Department) proposes to amend Chapter 84 (relating to tables approved for use in determining minimum nonforfeiture standards and minimum standards for valuation) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), section 301(c)(1) of The Insurance Department Act of 1921 (40 P. S. § 71(c)(1)) and section 410F (e)(8)(F) of The Insurance Company Law (40 P. S. § 510.1(e)(8)(F)).

#### *Purpose*

The purpose of the proposed amendments to Chapter 84 is to adopt new mortality tables for use in determining the minimum reserves for annuities. These new minimum standards apply to annuities issued on or after the effective date of adoption of the proposed amendments. The proposed mortality tables are based on historical experience and have been developed by the Society of Actuaries. In December 1996, the National Association of Insurance Commissioners adopted the proposed mortality tables as part of its Model Rule (Regulation) For Recognizing A New Annuity Mortality Table For Use In Determining Reserve Liabilities For Annuities. The Department's adoption of the proposed mortality tables will help to assure the solvency of insurance companies by requiring adequate reserves based on the most recent mortality tables.

The Insurance Federation of Pennsylvania, representing a substantial portion of the life insurance industry operating in this Commonwealth, has expressed a desire that the new annuity mortality tables set forth in the proposed rulemaking be adopted for use in this Commonwealth in determining the minimum reserves.

#### *Explanation of Regulatory Requirements*

The following is a description of the significant features of and changes contained in the proposed rulemaking:

*Section 84.3 (relating to 1983 Table "a").* This section provides for the use of the Annuity 2000 Mortality Table excluding mortality rates independent of sex and the 1994 GAR Table as additional mortality tables which may be used to determine minimum reserves for annuities issued prior to the effective date of adoption of the proposed amendment and as the mortality tables which must be used to determine minimum reserves for annuities on and after the effective date of adoption of the proposed amendment.

#### *Affected Parties*

This proposed rulemaking will apply to life insurance companies marketing annuity contracts in this Commonwealth.

#### *Fiscal Impact*

##### *State Government*

There will be no increase in cost to the Department due to the adoption of new annuity tables since the proposed rulemaking does not impose additional requirements on the insurance industry which the Department must monitor for compliance.

##### *General Public*

It is unlikely that there will be any adverse fiscal impact on the consumers who purchase annuity contracts. The general public will be purchasing annuity contracts from more financially stable insurers.

##### *Political Subdivisions*

The proposed rulemaking will strengthen the solvency requirements of insurance companies issuing annuity contracts. Increasing insurance company solvency requirements has the potential to minimize insurance company insolvencies which could result in less erosion of the tax base since insurers pay premium taxes on premium income and pay salaries which are taxed.

##### *Private Sector*

The proposed rulemaking may have some fiscal impact on insurance companies marketing annuity contracts. Insurers will be required to expend the time necessary to determine if their current annuity reserve standards meet the new requirements. To the extent that the standards do not comply with the new requirements, an insurance company must increase the reserves for contracts issued on or after the effective date of adoption of the proposed amendment to Chapter 84.

#### *Paperwork*

The adoption of this proposed rulemaking will not impose additional paperwork on the Department and the insurance industry. The proposed rulemaking provides for the use of additional mortality tables and does not impose additional requirements resulting in additional paperwork.

#### *Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final adoption and publication in the *Pennsylvania Bulletin* as final rulemaking. No sunset date has been assigned.

#### *Contact Person*

Questions or comments concerning this proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 14, 1998, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with

a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review 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 the Department, the Governor and the General Assembly to review these objections before final publication of the amendments.

M. DIANE KOKEN,  
Insurance Commissioner

**Fiscal Note:** 11-181. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 31. INSURANCE**  
**PART IV. LIFE INSURANCE**

**CHAPTER 84. TABLES APPROVED FOR USE IN DETERMINING MINIMUM NONFORFEITURE STANDARDS AND MINIMUM STANDARDS FOR VALUATION**

**§ 84.2. Definitions.**

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

*Act*—The Insurance Department Act of [one thousand nine hundred and twenty-one] 1921 (40 P. S. §§ 1—321).

**Annuity 2000 Mortality Table**—The mortality table developed by the Society of Actuaries Committee on Life Insurance Research and shown on page 240 of Volume XLVII of the *Transactions of the Society of Actuaries* (1995) and adopted as a recognized mortality table for annuities in December 1996 by the NAIC.

\* \* \* \* \*

**1983 Table "a"**—The mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the NAIC.

**1983 GAM Table**—The mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the NAIC.

**1994 GAR Table**—The mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force and shown on pages 866—867 of volume XLVII of the *Transactions of the Society of Actuaries* (1995) and adopted as a recognized mortality table for annuities in December 1996 by the NAIC.

§ 84.3. [1983 Table "a"] 1983 Table "a," Annuity 2000 Mortality Table, 1983 GAM Table and 1994 GAR Table.

(a) The 1983 Table "a" [was adopted as a recognized mortality table for annuities in June 1982 by the NAIC], the Annuity 2000 Mortality Table excluding mortality rates independent of sex, the 1983

**GAM Table and the 1994 GAR Table are approved by the Commissioner as annuity mortality tables for valuation.**

(b) [The 1983 Table "a" is approved by the Commissioner.] At the option of the company, [it] the 1983 Table "a" may be used [for the purpose of] in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued prior to January 1, 1986, and for an annuity or pure endowment purchased prior to January 1, 1986, under a group annuity or pure endowment contract.

(c) The 1983 Table "a," or [a modification of this table approved by the Commissioner,] the Annuity 2000 Mortality Table excluding mortality rates independent of sex shall be used in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after January 1, 1986, and prior to \_\_\_\_\_. (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.)

(d) The Annuity 2000 Mortality Table excluding mortality rates independent of sex shall be used, except as provided by subsection (e), in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after \_\_\_\_\_. (*Editor's Note:* The blank refers to the effective date of this proposal.)

(e) The 1983 Table "a" shall be used in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

(1) Settlements of claims pertaining to court settlements or out of court settlements from tort actions.

(2) Settlements of claims, such as worker's compensation claims.

(3) Settlements of long term disability claims when a temporary or life annuity has been used in lieu of continuing disability payments.

(f) At the option of the company, the 1983 GAM Table or the 1994 GAR Table may be used in determining the minimum standard of valuation for an annuity or pure endowment purchased prior to January 1, 1986, under a group annuity or pure endowment contract.

(g) The 1983 GAM Table or the 1994 GAR Table shall be used in determining the minimum standard of valuation for an annuity or pure endowment purchased on or after January 1, 1986, and prior to \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) under a group annuity or pure endowment contract.

(h) 1994 GAR Table.

(1) The 1994 GAR Table shall be used in determining the minimum standard of valuation for an annuity or pure endowment purchased on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) under a group annuity or pure endowment contract.

(2) In using the 1994 GAR Table, the mortality rate for a person age  $x$  in year (1994 +  $n$ ) shall be calculated as follows:

$$q_x^{1994+n} = q_x^{1994} (1-AA_x)^n$$

where the values of  $q_x^{1994}$  and  $AA_x$  are as specified in the 1994 GAR Table.

§ 84.4. [ 1983 GAM table ] (Reserved).

[ (a) The 1983 GAM Table was adopted as a recognized mortality table for annuities in December 1983 by the NAIC.

(b) The 1983 GAM Table is approved by the Commissioner. At the option of the company, it may be used for the purpose of determining the minimum standard of valuation for an annuity or pure endowment purchased under a group annuity or pure endowment contract.

(c) The 1983 GAM Table, or a modification of this table approved by the Commissioner, shall be used in determining the minimum standard of valuation for an annuity or pure endowment purchased on or after January 1, 1986, under a group annuity or pure endowment contract. ]

[Pa.B. Doc. No. 98-1552. Filed for public inspection September 25, 1998, 9:00 a.m.]

### [31 PA. CODE CH. 125] Title Insurance Rebates

The Insurance Department (Department) hereby proposes to amend Chapter 125 (relating to title insurance rebates) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), sections 701(4) and 731 of The Insurance Company Law of 1929 (40 P. S. §§ 910-1(4) and 910-31) and sections 635 and 636 of The Insurance Company Act of 1921 (40 P. S. §§ 275 and 276).

#### *Purpose*

The purpose of this proposal is to amend Chapter 125 to make it consistent with the act of December 21, 1995 (P. L. 714, No. 79) (Act 79). This Chapter, adopted in 1968, identified and defined prohibited rebating and inducement activities associated with title insurance transactions.

#### *Explanation of Regulatory Requirements*

The Department has determined that § 125.1(b) (relating to prohibited rebates and inducements) and §§ 125.5—125.9 should be deleted from the chapter as sections without statutory basis or are redundant and unnecessary.

Section 125.1(b) is being deleted as the controlling law, section 730 of the Insurance Company Law (40 P. S. § 910-30), was repealed in 1995. Section 10 of Act 79, further amended section 731 of The Insurance Company Law (40 P. S. § 910-31) having to do with "Commissions; Other Considerations Prohibited." Act 79 specifically identifies and defines activities which constitute per se unlawful inducements. Sections 125.5—125.9 do not enhance the prohibitions already delineated in section 10 of Act 79, and are, therefore, found to be redundant.

Minor revisions to § 125.3 (relating to increasing the charge or fee) have been made to clarify the nature of the prohibited activity.

#### *External Comments*

Comments regarding these proposed amendments were solicited from the Pennsylvania Land Title Association (PLTA), which represents the title insurance industry. The PLTA agreed with the Department that this chapter should be amended as recommended.

#### *Fiscal Impact*

There is no fiscal impact as a result of the proposed amendments.

#### *Paperwork*

The proposed amendments will affect all licensed title insurers, agents and approved attorneys in this Commonwealth.

#### *Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to amend the chapter, no sunset date has been assigned.

#### *Contact Person*

For information on this matter, contact Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120 within 30 days of this publication.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 14, 1998, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days after the close of the Committees' review 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 the Department, the Governor and the General Assembly to review these objections before final publication of the proposal.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-175. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 31. INSURANCE

#### PART VIII. MISCELLANEOUS PROVISIONS CHAPTER 125. TITLE INSURANCE REBATES

#### § 125.1. Prohibited rebates and inducements.

[ (a) ] A title insurance company or agent or approved attorney of a title insurance company may not pay to an approved attorney, real estate broker, real estate salesman, attorney at law or other person, partnership or corporation, who or which, from time to time, apply to a

title insurance company or to an agent of a title insurance company for title insurance and who at the time of the application are not licensed agents for a title insurance company, compensation, consideration, benefit or remuneration directly or indirectly.

**[ (b) The payment of compensation, consideration, benefit or remuneration shall be deemed to be an illegal rebate and inducement, except that a title insurance company or an agent of a title insurance company may pay to an attorney at law in good standing (but not to an approved attorney of the title insurance company) or a real estate broker licensed in this Commonwealth, a cash commission for procuring a title insurance for a client in a real estate transaction, if the cash commission is not in excess of that set forth in the schedule of commissions filed by the title insurance company with the Insurance Department. ]**

**§ 125.3. Increasing the charge or fee.**

Increasing the charge or fee for a title insurance policy by an amount and **[ payment of ]** returning any or all of the added amount **[ or increase ]** to **[ anyone ]** any person is an illegal rebate and inducement.

*(Editor's Note: The Department is proposing to delete §§ 125.5—125.9 as they currently appear in the Pennsylvania Code at pages 125-2 and 125-3 (serial pps. (143746) and (143747).)*

**§§ 125.5—125.9. (Reserved).**

[Pa.B. Doc. No. 98-1553. Filed for public inspection September 25, 1998, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

[58 PA. CODE CHS. 163 AND 165]

### Rules of Racing

The State Horse Racing Commission (Commission) acting under the authority conferred by section 202(a) of the Race Horse Industry Reform Act (4 P. S. § 325.202(a)) (act), hereby proposes to amend Chapters 163 and 165 (relating to rules of racing; and administrative rules) of the Commission's regulations.

Chapter 163 of the Commission's regulations governs all of the facets of racing including matters such as, entries, licensing of owners, trainer and jockeys, racing violations, medication/drug violations, the power of the Board of Stewards and the Breeders Fund Program. Chapter 163 also includes the Commission's regulations regarding racing entries. Specifically, the Commission proposes to amend §§ 163.95 and 163.531 (relating to coupled entries; and definitions). The proposed amendments will help clarify and update the present rules of racing and bring them into conformance with surrounding racing jurisdictions.

#### *Summary of Proposed Major Amendments*

##### *Entries and Subscriptions*

###### *Section 163.95 (Coupled entries)*

At the request of the Pennsylvania Thoroughbred Horsemen's Association (THA), the Commission proposes

to amend the so-called "coupled entry" rule. The proposed amendment will eliminate an outdated rule of racing and make it more consistent with § 163.119 (relating to double entry in the same ownership) of the Commission's regulations. Additionally, the proposed amendment will bring the Commission's regulation into parity with Delaware and Florida racing jurisdictions.

Specifically, the coupled entry rule is activated when an owner or trainer attempts to enter more than one horse in the same race. An "entry" as defined in the Commission's regulations is a horse, which is made eligible to run in a particular race. That entry is thereafter known as a "starter." As presently promulgated, when an owner or trainer enters two or more horses in the same race, the two horses are combined as one entry for purposes of betting. Thus, a wager placed on one horse is considered a wager on both horses (the entry). Historically, two or more horses owned or trained by the same persons were coupled to avoid any potential collusion between the owner or trainer and the jockeys of the two horses, which could affect the outcome of the race. Today, in this heavily regulated industry the potential for collusion has been greatly diminished, if not completely eradicated.

The practical effect of the proposed amendment is to "uncouple" the entry in the race but only as to trainers. Thus, when two or more horses entered in a race are trained by the same trainer, the two horses may race as an independent or uncoupled entry, which has been shown to increase betting interest with the public. The coupled-entry requirement however, will remain in effect as to horses owned wholly or in part by the same person.

#### *Pennsylvania Breeder's Fund Program*

##### *Section 163.531 Definitions.*

At the request of the Pennsylvania Horse Breeders Association (PHBA), the Commission proposes to amend the regulations governing the Pennsylvania Breeders' Fund Program (Fund), which was established in 1974. Historically, the Fund was designed to stimulate and sustain the Commonwealth's thoroughbred breeding industry, whose product would in turn, support live racing programs at the licensed thoroughbred racetracks by providing, in essence, an incentive to breed horses in this Commonwealth. The Fund, by providing monetary awards to breeders, stallion owners and owners of registered Pennsylvania-bred (Pa-Bred) horses, offers the thoroughbred industry economic advantages to help offset the high-risk enterprise of breeding racehorses. The Fund is financed by 7/10 of 1% of the total thoroughbred pari-mutuel handle. It provides for individual award payments, purse bonus supplements, PA-Bred stakes races and expenses incurred by the PHBA in its role as program administrator. Additionally, an amount equal to 1/3 of 1% of each thoroughbred racetrack's daily pari-mutuel handle is utilized in conjunction with Fund moneys by that racetrack to provide for owner bonuses earned by PA-Bred horses racing there.

As presently promulgated, the definition of "Pennsylvania-bred horse" requires only that the foaling occur in this Commonwealth for the horse to be eligible for program registration and all its entitlements. The definition was originally designed to simplify matters for Commonwealth breeders unfamiliar with the incentive programs and which would attract breeders from surrounding states to come to this Commonwealth and breed horses. However, due to increased sums of PA-Bred moneys as a result of off-track wagering facilities, full card simulcasting and the downsides being experienced in



breeding programs in surrounding states, out-of-State breeders are now quick to take advantage of the overly-broad definition of a PA-Bred. Out-of-State breeders are entering this Commonwealth simply to foal their horse (and gaining eligibility into the program) and immediately leaving this Commonwealth without necessarily contributing to the commerce of this Commonwealth's thoroughbred industry. The proposed rulemaking will amend the definition by requiring that during the year of foaling, the foal or its dam spend a minimum of 90 days at a facility in this Commonwealth. The PHBA and the Commission believe the proposed amendment will modify the current trend and ensure that Fund program participants contribute more significantly to this Commonwealth's commerce than the current definition requires.

Finally, the Commission will also propose to amend or entirely delete several other sections, including § 163.537 (relating to records of expenses) within the Breeders Fund Program to clarify and update, when appropriate, the language of the regulations relating to such matters as the registration, eligibility, appeals and awards of Pa-Bred horses. Specifically, § 163.537, which was promulgated in the mid-1970s prior to the enactment of Race Horse Industry Reform Act in 1981 (4 P. S. §§ 325.101—325.402), presently requires the PHBA to submit quarterly estimates to the Commission. This is inconsistent with section 325.223(g) of the act (4 P. S. § 325.223(g)), which only requires annual estimates. The Commission and the Pennsylvania Breeding Fund Advisory Board propose to delete this section because of this inconsistency and because they believe section 325.223(g) of the act adequately addresses the expense-records requirement.

#### *Section 165.118(j) (Trifecta)*

For purposes of uniformity and consistency, this section is proposed to be amended to delete the existing restriction regarding coupled entries in Trifecta races. The Commission does not believe there is any further legitimate reason to continue this restriction, especially in light of the preceding proposed amendment.

#### *Fiscal Impact*

##### *Commonwealth*

The Commission has determined that the amendments will have no adverse fiscal impact on the Commonwealth.

##### *Political Subdivisions*

The proposed amendments will not have any direct fiscal impact on political subdivisions.

##### *Private Sector*

The proposed amendments will not have any negative fiscal impact on the private sector within this Commonwealth. There may be limited fiscal impact upon out-of-State breeders who enter this Commonwealth to become eligible for the Breeders' Fund Program. The impact should be offset as a result of the commerce generated with the new 90-day requirement for the dam and foal, which will have to be met to qualify for the Pa-Bred registration.

##### *General Public*

The proposed amendments will not have any fiscal impact on the general public. The proposed amendments will, however, bring the Commission's regulations relating to coupled entries and the Breeders' Fund Program into conformity with the other racing jurisdictions.

#### *Paperwork Requirements*

The proposed amendments will not generate any new substantial paperwork for the public or the Commonwealth.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 14, 1998, the Commission submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate State Government Committees. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1.

If IRRC has objections to any portion of the proposed amendments, it must notify the Commission within 10 days of the close of the Committees' review 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*

Individuals interested in commenting on the proposed amendments or who require further information may contact Benjamin H. Nolt, Jr., Executive Secretary, State Horse Racing Commission, Room 304 Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-5196, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

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

**Fiscal Note:** 34-63. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART IV. HORSE RACING COMMISSION**

#### **CHAPTER 163. RULES OF RACING**

#### **ENTRIES AND SUBSCRIPTIONS**

#### **§ 163.95. Coupled entries.**

(a) The term "entry" means a horse made eligible to run in a race. When starters in a race include two or more horses owned [ **or trained** ] by the same person, [ **trained in the same stable or trained by the same management,** ] they shall be coupled as an entry, with no exceptions. A wager on one horse in the entry shall be a wager on all horses in the entry. If a race is split in two or more divisions, horses in an entry shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot.

(b) Horses owned wholly or in part by the same person or the spouse of the person or trained by the same trainer shall be coupled and run as an entry. **A trainer may not have any ownership interest in any other horse in the same race unless the horses are coupled as a single wagering interest.**

\* \* \* \* \*

(d) Starters in a race which include two horses of different ownership trained by the same person, trained in the same stable or trained by the same management may not be coupled as an entry and shall constitute separate wagering interests. In no case may more than two horses having common trainer ties as defined in this section start in a race.

**PENNSYLVANIA BREEDERS' FUND PROGRAM**

**§ 163.531. Definitions.**

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

*Breeder*—A breeder is the owner of the dam at the time of foaling and when held under a lease or in partnership, only the lease or partnership will be recognized for purposes of which it is filed with the Jockey Club.

*Pennsylvania-bred horse*— A Pennsylvania-bred horse is a thoroughbred horse foaled in [ Pennsylvania ] this Commonwealth, which during the year of foaling, the foal or its dam spent a minimum of 90 days at a facility in this Commonwealth and is subsequently registered with the Pennsylvania Horse Breeders Association and the Jockey Club.

\* \* \* \* \*

**§ 163.532. Eligibility for Pennsylvania-bred races.**

To be eligible for preferences in races in which Pennsylvania-breds are preferred and to be eligible for entry in races which are restricted by condition to registered Pennsylvania-breds, a horse shall be registered as a Pennsylvania-bred with the Pennsylvania Horse Breeders Association at the time of entry. [ To be eligible for the registration, the horse shall have been foaled in this Commonwealth. ]

**§ 163.533. [ Eligibility of breeders for awards ] (Reserved).**

[ In order for a Pennsylvania-bred horse to be eligible to earn an award for its breeder, under section 17.1(b)(3) of the act of December 11, 1967 (P. L. 707, No. 301) (15 P. S. § 2667.1) (Repealed), in a race conducted by a pari-mutuel permit holder in this Commonwealth, the horse shall be registered as a Pennsylvania-bred with the Pennsylvania Horse Breeders Association prior to entry for the race. ]

**§ 163.534. [ Eligibility of owners of Pennsylvania sires for awards ] (Reserved).**

[ In order for a sire of this Commonwealth to be eligible to earn an award for its owner, under section 17.1(b)(4) of the act of December 11, 1967 (P. L. 707, No. 331) (15 P. S. § 2667.1) (Repealed), the sire shall have been registered as a sire of this Commonwealth with the Pennsylvania Horse Breeders Association during each breeding season when the sire covered the dams that, as a result of that cover, produced Pennsylvania-breds. A sire of this Commonwealth not registered with the Pennsylvania Horse Breeders Association prior to 1975 may be registered with the Pennsylvania Horse Breeders Association, for years prior to 1975 if registered by December 31, 1975. To be eligible for a sire award, it is not necessary that the foal entitling the sire owner to the award be itself registered but only that it have been foaled in this Commonwealth by a sire registered as set forth in this section. ]

**§ 163.537. [ Records of expenses ] (Reserved).**

[ The Pennsylvania Breeders Association will maintain a complete record of reasonable and necessary expenses and will submit quarterly estimates to the Commission, on the basis of which the Commission may disburse advances. The quarterly estimated statements of expenses and advances shall be reconciled annually with a certified statement of expenses to be prepared by an auditor approved in advance by the Commission. The Commission will thereafter review them and after approval of allowable items shall then reimburse the Pennsylvania Breeders Association for expenses the Commission finds reasonable and appropriate to this program. If advances on account of expenses exceeds actual expenses as approved at the end of a given year, the excess shall be deemed disbursed on account of the ensuing year's expenses. ]

**CHAPTER 165. ADMINISTRATIVE RULES**

**Subchapter E. PARI-MUTUEL WAGERING**

**§ 165.118. Trifecta.**

\* \* \* \* \*

(j) Coupled entries and fields are [ prohibited ] allowed in Trifecta races, at the discretion of the Commission or its designee.

\* \* \* \* \*

[Pa.B. Doc. No. 98-1554. Filed for public inspection September 25, 1998, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Application Period for Agricultural and Rural Youth Organization Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Agricultural and Rural Youth Organization Grant (ARYOG) Program for 1999. Grant applications will be accepted at Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, from October 19 to December 4, 1998. Applications must be postmarked by December 4, 1998, to be considered for funding. Telefax submissions are not acceptable.

The ARYOG Program was created by the General Assembly through the passage of Act 33, effective August 6, 1991. The program is funded through the Rural Rehabilitation Corporation assets. For program guidelines, see the Agricultural and Rural Youth Organization Grant Program policy statement published in the April 4, 1992, edition of the *Pennsylvania Bulletin* (7 Pa. Code Chapter 137f).

The objective of the ARYOG Program is to encourage projects which will increase knowledge and awareness of agricultural issues and other issues specific to rural areas within this Commonwealth. This educational effort is directed toward the youth of this Commonwealth.

For this application year, the Agricultural and Rural Youth Organization Grant Program will award direct grants of up to \$2,500. Four matching grants of up to \$10,000 will be offered.

#### *Obtaining Applications*

Applications are available upon request by contacting any Department regional office or the Department of Agriculture, Rm. 310, 2301 N. Cameron St., Harrisburg, PA 17110-9408, (717) 783-9944 or (717) 783-3181.

#### *Regional Offices:*

Northwest-Region I  
Director George Gregg  
13410 Dunham Rd.  
Meadville, PA 16335-8313  
(814) 332-6890

Northcentral-Region II  
Director J. Wayne Yorks  
2130 County Farm Road, Suite #2  
Montoursville, PA 17754-9685  
(717) 433-2640

Northeast-Region III  
Director Russell Gunton  
Route 92 South, P. O. Box C  
Tunkhannock, PA 18657-0318  
(717) 836-2181

Southwest-Region IV  
Director R. Edwin Nehrig  
5349 William Flynn Highway  
Gibsonia, PA 15044-9644  
(724) 443-1585

Southwest Central-Region V  
Director Kenneth R. Mowry  
1304 7th Street

Cricket Field Plaza  
Altoona, PA 16601-4701  
(814) 946-7315

Southcentral-Region VI  
Director Warren Mathias  
P. O. Box 419  
Summerdale, PA 17093-0419  
(717) 787-3400

Southeast-Region VII  
Director Frank Stearns  
Rt.113  
P. O. Box 300  
Creamery, PA 19430-0300  
(610) 489-1003

For further assistance, contact Carl Muller, Economic Development Specialist for the Bureau of Market Development, Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-9944 or (717) 783-3181.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 98-1555. Filed for public inspection September 25, 1998. 9:00 a.m.]

### Schedule for General Inspection and Testing of Weights and Measures

The Department of Agriculture (Department) hereby gives notice of its schedule for the general testing and inspection of commercially used weighing and measuring devices.

Section 4112 of the Agriculture Code (3 Pa.C.S. § 4112) requires the Department inspect all commercially used weighing and measuring devices for accuracy at least once every 12 months unless a different inspection interval is prescribed by the Department in its inspection schedule. This notice establishes that inspection schedule.

#### A. 12 Month Inspection Period.

The Department will (as required by § 4112(b) of the Agriculture Code) inspect the following types of commercially used weighing and measuring devices for accuracy at intervals of no greater than 12 months:

- Small capacity retail computing scales
- Retail package shipping scales
- Vehicle scales
- Small platform scales which weigh items to 1,000 pounds
- Truck-mounted fuel oil meters
- Truck-mounted liquid petroleum gas meters
- Compressed natural gas meters
- Retail motor fuel dispensers

The foregoing inspections may be conducted by a State Inspector employed by the Department, by a county sealer or city sealer performing the inspection in accordance with a memorandum of understanding with the Department, or by a Certified Examiner of Weights and Measures.

The Department will (as required by § 4112(c) of the Agriculture Code) inspect the following types of commercially used weighing and measuring devices for accuracy by June 30, 1999, and thereafter at intervals of no greater than 12 months:

Universal Product Code scanning systems

Price look up devices

Inspections of Universal Product Code scanning systems and price look up devices may be conducted by a State Inspector employed by the Department or by a county sealer or city sealer performing the inspection in accordance with memorandum of understanding with the Department. A Universal Product Code scanning system or price look up device is exempt from this annual inspection and testing if it is inspected at least annually on an unannounced basis as part of a private certification program which conforms with the examination procedures for price verification as adopted by the National Conference of Weights and Measures.

**B. 36-Month Inspection Period.**

The Department will inspect all types of commercially used weighing and measuring devices not specifically

assigned a 12-month inspection interval above by June 30, 1999, and thereafter at intervals of no greater than 36 months.

**C. Revisions to the Inspection Schedule.**

The Department may revise this inspection schedule from time to time. The revisions will be published in the *Pennsylvania Bulletin*.

**D. Further Information.**

Further information is available by contacting the Department at the following address or telephone number: Bureau of Ride and Measurement Standards, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-6772.

The foregoing Inspection Schedule is effective as of publication.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 98-1556. Filed for public inspection September 25, 1998, 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 15, 1998.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-15-98	First Commonwealth Financial Corporation, Indiana, to acquire 100% of the voting shares of Southwest National Corporation, Greensburg	Indiana	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-10-98	First Western Bank, National Association, New Castle, and First Western Trust Services Company, New Castle Surviving Institution— First Western Bank, National Association	New Castle	Effective
9-11-98	Lafayette Bank, Easton, and Ambassador Bank of the Commonwealth, Allentown Surviving Institution— Lafayette Bank, Easton, with a change in corporate title to "Lafayette Ambassador Bank"	Easton	Effective

All branch offices of Ambassador Bank of the Commonwealth will become branches of Lafayette Ambassador Bank including the former main office located at:

4127 Tilghman Street  
Allentown  
Lehigh County

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-15-98	Northwest Savings Bank Warren Warren County	Warren	Filed
	Purchase of assets/assumption of liabilities of eight offices of National City Bank of Pennsylvania, Pittsburgh, located at:		
	103 Broad Street New Bethlehem Clarion County	Front Street Fredericktown Washington County	
	1200 Old Town Road Clearfield Clearfield County	101 East Lincoln Avenue McDonald Washington County	
	1945 Douglas Parkway Erie Erie County	342 Main Street Wampum Lawrence County	
	22 North Main Street Union City Erie County	102 East State Street Pleasantville Venango County	

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-27-97	Mifflinburg Bank and Trust Company Mifflinburg Union County	Route 2 Market Drive Spring Mills Centre County	Opened
9-9-98	The Drovers & Mechanics Bank York York County	Route 15 and Spring Lane Road Dillsburg Carroll Township York County	Approved
8-31-98	Irwin Bank & Trust Company Irwin Westmoreland County	Shop N Save Supermarket Oak Park Mall 2001 Lincoln Way White Oak Allegheny County	Opened
9-14-98	Berks County Bank Reading Berks County	3900 Hamilton Center 3900 Hamilton Blvd. South Whitehall Twp. Lehigh County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-10-98	First Western Trust Services Company New Castle Lawrence County	To change the purpose clause of the trust company to that of acting as a bank and trust company.	Approved Effective

**SAVINGS ASSOCIATIONS****Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
9-15-98	Security Savings Association of Hazleton Hazleton Luzerne County	Hazleton	Filed
	Application represents conversion from a State-chartered mutual savings association to a State-chartered stock savings association.		

## CREDIT UNIONS

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1557. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 1998**

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of October, 1998, is 8 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 5.64 to which was added 2.50 percentage points for a total of 8 1/4% that by law is rounded off to the nearest quarter at 8 1/4%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1558. Filed for public inspection September 25, 1998, 9:00 a.m.]

**DEPARTMENT OF  
COMMUNITY AND  
ECONOMIC DEVELOPMENT****Machinery and Equipment Loan Participation and Interest Rates**

The Department of Community and Economic Development (Department) gives notice of the adoption of MELF participation and interest rates for loans approved by the Department. The rates are effective as of July 1, 1998, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow as Annex A.

The Department retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Department of Community & Economic Development, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
*Secretary***Annex A****MELF****PARTICIPATION AND INTEREST RATES  
FOR COUNTIES AND MUNICIPALITIES\*  
OVER 25,000 POPULATION**

Effective July 1998 through June 1999

County*	Maximum MELF Participation**	Interest Rate*** %
ADAMS	50%	6.75
ALLEGHENY	50%	6.75
McKeesport City	50%	3.75
Pittsburgh City	50%	5.25
ARMSTRONG	50%	3.75
BEAVER	50%	5.25
BEDFORD	50%	3.75
BERKS	50%	6.75
Reading City	50%	5.25
BLAIR	50%	5.25
Altoona City	50%	5.25
BRADFORD	50%	5.25
BUCKS	50%	6.75
Bensalem Twp.	50%	5.25
Bristol Twp.	50%	5.25
BUTLER	50%	5.25
CAMBRIA	50%	3.75
CAMERON	50%	3.75
CARBON	50%	3.75
CENTRE	50%	6.75
CHESTER	50%	6.75
CLARION	50%	5.25
CLEARFIELD	50%	3.75
CLINTON	50%	3.75
COLUMBIA	50%	3.75
CRAWFORD	50%	5.25
CUMBERLAND	50%	6.75

County*	Maximum MELF Participation**	Interest Rate*** %	County*	Maximum MELF Participation**	Interest Rate*** %
DAUPHIN	50%	6.75	NORTHAMPTON	50%	5.25
Harrisburg	50%	5.25	NORTHUMBERLAND	50%	3.75
DELAWARE	50%	6.75	PERRY	50%	6.75
Chester City	50%	3.75	PHILADELPHIA	50%	3.75
ELK	50%	5.25	PIKE	50%	5.25
ERIE	50%	5.25	POTTER	50%	3.75
Erie City	50%	3.75	SCHUYLKILL	50%	3.75
FAYETTE	50%	3.75	SNYDER	50%	5.25
FOREST	50%	3.75	SOMERSET	50%	3.75
FRANKLIN	50%	5.25	SULLIVAN	50%	3.75
FULTON	50%	3.75	SUSQUEHANNA	50%	3.75
GREENE	50%	3.75	TIOGA	50%	3.75
HUNTINGDON	50%	3.75	UNION	50%	6.75
INDIANA	50%	3.75	VENANGO	50%	3.75
JEFFERSON	50%	3.75	WARREN	50%	5.25
JUNIATA	50%	3.75	WASHINGTON	50%	5.25
LACKAWANNA	50%	3.75	WAYNE	50%	3.75
LANCASTER	50%	6.75	WESTMORELAND	50%	5.25
Lancaster City	50%	5.25	WYOMING	50%	3.75
LAWRENCE	50%	5.25	YORK	50%	6.75
New Castle City	50%	3.75	York City	50%	3.75
LEBANON	50%	6.75			
Lebanon City	50%	6.75			
LEHIGH	50%	6.75			
Allentown City	50%	5.25			
Bethlehem City	50%	5.25			
LUZERNE	50%	3.75			
Wilkes-Barre City	50%	3.75			
LYCOMING	50%	5.25			
Williamsport City	50%	3.75			
McKEAN	50%	5.25			
MERCER	50%	5.25			
MIFFLIN	50%	3.75			
MONROE	50%	3.75			
MONTGOMERY	50%	6.75			
Norrstown Boro.	50%	5.25			
Upper Dublin Twp.	50%	6.75			
MONTOUR	50%	6.75			

\* Municipalities are listed *only* if MELF rate differs from County rate.

\*\* Maximum participation; MELF loans are \$500,000 or 50% of eligible project costs, whichever is less.

\*\*\* Based on calendar year 1997 unemployment rate. Subject to change at discretion of DCED.

*Special Note:* Projects located in designated enterprise zones, planning stage enterprise zones, financially distressed municipalities under Act 47, Federal empowerment zones, Federal enterprise communities and brownfields will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate 1% less than the area rate with a floor of 3.75%  
10% company equity injection required for all projects

*Financially Distressed Municipalities Under Act 47\**  
Aliquippa City                      Franklin Borough  
Beaver County                      Cambria County  
  
Braddock Borough                      Homestead Borough  
Allegheny County                      Allegheny County  
  
Chester City                      Johnstown City  
Delaware County                      Cambria County

Clairton City  
Allegheny County

Millbourne Borough  
Delaware County

Duquesne City  
Allegheny County

North Braddock Borough  
Allegheny County

East Pittsburgh Borough  
Allegheny County

Rankin Borough  
Allegheny County

Farrell City  
Mercer County

Scranton City  
Lackawanna County

Wilkesburg Borough  
Allegheny County

*Federal Empowerment Zones \**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities \**

Portions of Harrisburg, Dauphin County  
Portions of Lock Haven, Clinton County

\*Eligible for 3.75% Interest Rate

[Pa.B. Doc. No. 98-1559. Filed for public inspection September 25, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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### APPLICATIONS

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#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

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 (Department) 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 accommodations 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 (800) 654-5984.

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

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

**PA 0024651.** Sewage, **Atglen Borough Sewer Authority**, P. O. Box 250, Atglen, PA 19310.

This application is for renewal of an NPDES permit to discharge treated sewage from the Atglen Borough Sewage Treatment Plant in Atglen Borough, **Chester County**. This is an existing discharge to Valley Creek.

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



The proposed effluent limits for Outfall 001, based on an average flow of 90,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Ammonia as N	monitor/report		
Total Residual Chlorine (years 1 and 2)	1.0		2.0
(years 3, 4 and 5)	0.5		1.2
Fecal Coliform (5-1 to 9-30)	200 colonies/100 ml as a geometric average		
(10-1 to 4-30)	26,000 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

**PA 0012572.** Industrial waste, **Jefferson Smurfit Corporation (U. S.)**, 5000 Flat Rock Road, Philadelphia, PA 19127.

This application is for renewal of an NPDES permit to discharge cooling water from the Jefferson Smurfit Corporation in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 4.062 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			
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 002, based on an average flow of 0.2 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°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 008, based on an average flow of 0.432 mgd are as follows: Not Monitored.

**PA 0011002.** Industrial waste, **American Inks and Coatings Corporation**, P. O. Box 803, Valley Forge, PA 19482.

This application is for renewal of an NPDES permit to discharge untreated cooling water in stormwater, from the facility. This is an existing discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, 002 and 003, based on an average flow of 36,350 gpd 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°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for stormwater Outfalls 003, 004 and 005 are:

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

The EPA waiver is in effect.

**PA 0024422.** Sewage, **Lower Salford Township Authority**, P. O. Box 243, Harleysville, PA 19438.

This application is for renewal of an NPDES permit to discharge treated sewage from Harleysville Main STP in Lower Salford Township, **Montgomery County**. This is an existing discharge to an Unnamed Tributary to Indian Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Phosphorus (as PO <sub>4</sub> )			
(4-1 to 10-31)	0.5		1.0
Phosphorus (as P)	monitor/report		
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine			
(issuance through year 2)	0.7		1.8
(year 3 through expiration)	0.01		0.03
Total Aluminum	monitor/report		

*Other Conditions:*

The EPA waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

Final water quality based effluent limitations for Total Residual Chlorine.

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*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

**PA 0061689.** Sewerage, **Foster Township**, P. O. Box 465, Freeland, PA 18224.

This proposed action is for renewal and transfer of an NPDES permit to discharge treated sewage into an unnamed tributary of the Lehigh River in Foster Township, **Luzerne County**.

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

Effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0196 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	
Fecal Coliform		
(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	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
(1st Month—36th Month)	monitor and report	
(37th Month—Expiration)	0.2	0.5

The EPA waiver is in effect.

**PA 0063231.** Sewerage, **Lehigh Township Municipal Authority (Pennsville STP)**, 1069 Municipal Road, Walnutport, PA 18088.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Indian Creek in Lehigh Township, **Northampton County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the City of Allentown located on the Lehigh River.

The proposed effluent limits for Outfall 001, based on a design flow of .06 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric mean 2,000/100 ml as a geometric mean	
pH		6.0—9.0 standard units at all times	
Total Residual Chlorine	1.20		2.80
Total Copper		monitor and report	
Total Lead		monitor and report	
Total Zinc		monitor and report	

The EPA waiver is in effect.

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

**PA 0044547.** SIC: 4952, **Department of Conservation and Natural Resources, Hills Creek State Park, R. R. 2, Box 328, Wellsboro, PA 16901-9676.**

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to Hills Creek in Charleston Township, **Tioga County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is the PA/NY border located approximately 35 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.01 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
NH <sub>3</sub> -N (6-1 to 10-31) (11-1 to 5-31)	10 30	20 60
Total Chlorine Residual	1.0	2.3
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

The EPA waiver is in effect.

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

**PA 0217905.** Industrial waste, SIC: 4941, **Municipal Authority of the Borough of Oakmont, P. O. Box 73, 721 Allegheny Avenue, Oakmont, PA 15139.**

This application is for issuance of an NPDES permit to discharge treated process water from the Hulton Treatment Plant in Oakmont Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Falling Springs, 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 Fox Chapel Authority, located at 255 Alpha Drive, RIDC Industrial Park, Pittsburgh, PA 15238, 2.6 miles below the discharge point.

*Outfall 001: new discharge, design flow of 0.15 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30	60	75

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			0.012		0.03
Aluminum			0.5	1.0	1.25
Iron			1.5	3.0	3.75
Manganese			1.0	2.0	2.50
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0098990.** Sewage, **Joseph P. Graham**, P. O. Box 390, Rochester, PA 15074.

This application is for renewal of an NPDES permit to discharge treated sewage from the Joseph P. Graham Sewage Treatment Plant in Fallston Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brady Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Arco Chemical Company B. V. Plant.

*Outfall 001:* existing discharge, design flow of 0.0005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:*

The EPA waiver is in effect.

**PA 0217999.** Sewage, **Jack's Independent Service, Inc.**, 1121 Wallace Run Road, Darlington, PA 16115.

This application is for issuance of an NPDES permit to discharge treated sewage from Jack's Independent Service STP in South Beaver Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Fork Little Beaver 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 City of East Liverpool, Ohio on the Ohio River.

*Outfall 001:* new discharge, design flow of 0.00136 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (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	0.08			0.19
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:*

The EPA waiver is in effect.

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

**PA 0221023.** Sewage. **David K. Beal**, 942 Hatch Run Road, Warren, PA 16365-4232.

This application is for renewal of an NPDES permit to discharge treated sewage to the Unnamed Tributary to Hatch Run in Glade Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes (proposed), 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 84 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of .0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	XX	XX
pH	6.0—9.0 at all times	

XX—monitor and report on AMRs.

The EPA waiver is in effect.

**PA 0082309. Fairview Township Authority**, 599 Lewisberry Road, New Cumberland, PA 17070-2399, has applied to renew its current NPDES Permit, PA 0082309, to allow the continued discharge of controlled wastewaters into the waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). 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 waiver provision 40 CFR 123.

Persons wishing to comment on the proposed permit are invited to submit a statement to the following address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered before taking a final permit action. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Regional Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Department of Environmental Protection, Southcentral Regional Office, Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

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

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file in the Regional Office. Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

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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 wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) 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). 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 Manager 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 the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0083534	William A. Johnson P. O. Box 87 Everett, PA 15537	Bedford W. Providence Twp.	Raystown Branch Juniata River	

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean Streams Law**

**(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department). 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 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. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

**WQM Permit No. 0998416.** Sewerage. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. Construction and operation of a sanitary sewer main connecting to the proposed Newtown Center to an existing off site system connecting into the North Shore Core Creek Interceptor located in Lower Makefield Township, **Bucks County**.

**WQM Permit No. 2398408.** Sewerage. **Concord Township Sewer Authority**, P. O. Box 171, Concord-

ville, PA 19331. Construction and operation of a sewage pump station to serve Twin Creeks at Mendenhall subdivision located in Concord Township, **Delaware County**.

**WQM Permit No. 1598417.** Sewerage. **Oxford Area Sewer Authority**, P. O. Box 380, Oxford, PA 19363. Construction and operation of sewage pump station to serve Locksley Glen subdivision located in East Nottingham Township, **Chester County**.

**WQM Permit No. 1598418.** Sewerage. **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. Construction of 12 single family residential lots in the Waynesbrook subdivision located in Willistown Township, **Chester County**.

**WQM Permit No. 0998417.** Sewerage. **David Rosenberger**, 6 Rosenberger Drive, Perkasio, PA 18944. Construction and operation of sewage treatment plant to serve the Rosenberger residence located in Hilltown Township, **Bucks County**.

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

**A. 5298403.** Sewerage. **Milford Valley Convalescent Home, Inc.**, HC 77, Box 379, Milford, PA 18337. Application to upgrade sewage treatment plant and repair existing outfall pipeline, located in Westfall Township, **Pike County**. Application received in the Regional Office—September 8, 1998.

**A. 6698201.** Industrial waste. **The Procter and Gamble Paper Products Company**, P. O. Box 32, Route 87, Mehoopany, PA 18629-0032. Application to modify wastewater treatment plant, located in Washington Township, **Wyoming County**. Application received in the Regional Office—September 2, 1998.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.*

**A. 3698408.** Sewage, submitted by **JJRH Pump Station Joint Venture**, 239 Blossom Trail, Mount Joy, PA 17552 in Mount Joy Borough, **Lancaster County** to construct the Mount Joy Regional Pump Station No. 3 was received in the Southcentral Regional Office on September 8, 1998.

**A. 3698409.** Sewage, submitted by **Char-Mar Properties, Inc.**, 420 E. Conestoga Street, New Holland, PA 17557 in Caernarvon Township, **Lancaster County** to serve a manufactured home residential community was received in the Southcentral Regional Office on September 9, 1998.

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

**WQM Permit No. 6298410.** Sewage, **Richard J. Lyle, SRSTP**, R. R. 4, Box 226, Sugar Grove, PA 16350. This project is for the construction of a single residence sewage treatment plant in Sugar Grove Township, **Warren County**.

**INDIVIDUAL PERMITS  
(PAS)**

**Stormwater Individual**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) 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 discharge.

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 appealed 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 (800) 654-5984.

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

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q163.** Stormwater. **William Mayo**, P. O. Box 246, Trexlertown, PA 18087, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

**SAFE DRINKING WATER**

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

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**A. 6798502.** Public water supply. **James Dorwart**, Fairview Township, **York County**. *Responsible Official:* James Dorwart, Owner, 1375 Old Quaker Road, Eppers, PA 17319. *Type of Facility:* Construction and Operation Permit for Well No. 2. The new well will serve an existing Community Water System. It will be pumped at a rate of 80 gpm and utilize existing disinfection facilities. *Consulting Engineer:* Jerry T. Stahlman, Stallman and Stahlman, Inc., 139 E. Market St., York, PA 17401.

**A. 3698505.** Public water supply. **Masonic Homes**, West Donegal Township, **Lancaster County**. *Responsible Official:* Robin L. Pepperman, Director of Safety and Risk Management, Masonic Homes, One Masonic Drive, Elizabethtown, PA 17022. *Type of Facility:* Construction of new wells and associated disinfection facility. Installation of pumps and pitless units in two wells. Construction of transmission main between wells and well treatment facility. *Consulting Engineer:* Peter J. Lusardi, CET Engineering Services, 1240 North Mountain Road, Harrisburg, PA 17112.

**A. 2198502.** Public water supply. **Filson Water Treatment, Inc.**, South Middleton Township, **Cumberland County**. *Responsible Official:* John R. Filson, II, Secretary/Treasurer, Filson Water Treatment, Inc., Four Appomattox Court, Mechanicsburg, PA 17055. *Type of Facility:* A 675 gallon per day bottled water facility utilizing reverse osmosis treatment. *Consulting Engineer:* David D. Klepadlo, P.E., David D. Klepadlo and Associates, 932 Springbrook Avenue, Moosic, PA 18507.

**A. 0698506.** Public water supply. **Filippini Real Estate**, Ruscombmanor Township, **Berks County**. *Responsible Official:* Emidio Filippini, President, 101 Robert Road, Wyomissing Hills, PA 19610. *Type of Facility:* New Community Water System serving 51 units. The system consists of two wells, chlorination and distribution. *Consulting Engineer:* Timothy J. Krall, P.E., Vitillo Engineering, Inc., 150 D Love Road, Reading, PA 19607.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 1**

**Acknowledgment of Notices of Intent to Remediate submitted 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 (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to

Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's 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 (800) 654-5984.

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

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Electric Motor Supply, Inc.**, East Hempfield Township, **Lancaster County**. Electric Motor Supply, Inc., 1000 Fifth Street, Altoona, PA 16601, has submitted a Notice of Intent to Remediate site soils contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligence New Era* on September 9, 1998.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**Penn Fuel Gas—Lewisburg**, Lewisburg Borough, **Union County**. Key Environmental, Inc., on behalf of their client Penn Fuel Gas, Inc., 55 South Third Street, Oxford, PA 19363 has submitted a Notice of Intent to Remediate soil, groundwater and sediment contaminated with lead, heavy metals, BTEX, PAHs, phenolics and cyanide. The applicant proposes to remediate the site to meet the Statewide health standard or the site-specific standard, as appropriate. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sunbury Daily Item* on August 3, 1998.

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

**Former O'Donnell's Ambulance Service**, North Huntingdon Township, **Westmoreland County**. Tim O'Donnell, 106 Bush Creek Road, Irwin, PA 15642 and Jeffrey S. Chambers, Chambers Environmental Group, Inc., 485 East College Avenue, Suite A, Pleasant Gap, PA 16823 has submitted a Notice of Intent to Remediate soil

contaminated with BTEX and lead. The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 2

**Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) 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, 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. During this comment period a municipality may request that the person identified, 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, contact the Department's 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 (800) 654-5984.

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

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*



**Penn Fuel Gas—Lewisburg**, Lewisburg Borough, **Union County**. Key Environmental, Inc., on behalf of their client Penn Fuel Gas, Inc., 55 South Third Street, Oxford, PA 19363 has submitted a Notice of Intent to Remediate soil, groundwater and sediment contaminated with lead, heavy metals, BTEX, PAHs, phenolics and cyanide. The applicant proposes to remediate the site to meet the Statewide health standard or the site-specific standard, as appropriate. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sunbury Daily Item* on August 3, 1998.

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

**Home Depot, U.S.A.**, Richland Township, **Cambria County**. Home Depot, U.S.A., c/o Katheryn E. Lee, Esq., 2455 Paces Ferry Road NW, Building C, 20th Floor, Atlanta, GA 30339, Paramount Development, c/o Rex McQuaide, Esq., c/o McQuaide Law Offices, 1405 Eisenhower Blvd., Richland Square I, Suite 200, Johnstown, PA 15904 and Claire G. Quadri, Urban Engineers of Erie, Inc., 502 West 7th Street, Erie, PA 16502 has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Democrat (Johnstown)* on August 29, 1998.

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

**Redevelopment Authority of the City of Titusville, Crawford County**, 701 E. Spring Street, Titusville, PA 16354, has submitted a Notice of Intent to Remediate site soils, groundwater, surface water and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Titusville Herald* on September 4, 1998.

**Armco, Inc.**, City of Titusville, **Crawford County**, 701 E. Spring Street, Titusville, PA 16354, has submitted a Notice of Intent to Remediate site soils, groundwater, surface water and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Titusville Herald* on September 4, 1998.

## **SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES**

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR059. International Paper Company**, Lock Haven Mill, P. O. Box 268, Lock Haven, PA 17745. An application for the beneficial use of bottom ash derived from the combustion of bituminous coal and tire derived fuel as anti-skid material.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

## **AIR QUALITY**

### **Plan Approval and Operating Permit Applications Nonmajor Sources and Modifications**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**31-310-019F: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for operation of a limestone crushing plant in Warriors Mark Township, **Huntingdon County**.

**31-310-025C: U. S. Silica Co.** (P. O. Box 187, Berkeley Springs, WV 25411) for a silica sandstone dry screening operation in Brady Township, **Huntingdon County**.

**36-323-001B: Mount Joy Wire Corp.** (1000 East Main Street, Mount Joy, PA 17552) for operation of wire tempering lines in Mount Joy Borough, **Lancaster County**.

**36-320-029: The Continental Press, Inc.** (520 East Bainbridge Street, Elizabethtown, PA 17022) for operation of sheet fed lithographic printing presses in Elizabethtown Borough, **Lancaster County**.

**67-310-007C: County Line Quarry, Inc.** (South Front Street, York, PA 17368) for operation of a quartzite crushing plant in Wrightsville Borough, **York County**.

**28-318-036: The Appalachian Mill Collection, Inc.** (11427 Church Hill Road, Mercersburg, PA 17236) for operation of a wood surface coating line in Mercersburg Borough, **Franklin County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**63-00884: Mine Technik America, Inc.** (2045 West Pike Street, Houston, PA 15342) for operation of mining machinery mfg. at Houston Facility in Chartiers Township, **Washington County**.

**65-00793: Wilson's Scrap Metals, Inc.** (R. D. 2, Box 374, Rte. 286) for operation of metal smelting and refining at Coreco Metal Separator System, Bell Township, **Westmoreland County**.

**65-00061: RAM Terminals, Inc.** (One Fifth Street, New Kensington, PA 15068) for operation of crushing and screening at New Kensington Crushing Plant in New Kensington, **Westmoreland County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall

include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**23-00016: PQ Corp.** (1201 West Front Street, Chester, PA 19013) located in City of Chester, **Delaware County**. The facility's major emission points include sodium silicate furnace and potassium silicate furnace which emit major levels of NO<sub>x</sub>.

**46-00051: Schlosser Steel, Inc.** (2641 Township Line Road, Hatfield, PA 19440) located in Hatfield Township, **Montgomery County**. The facility's major emission points include structural steel painting operation which emit major levels of VOC.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, Attn: Michael Safko, (717) 826-2531.*

**40-00023: GFC Foam, Inc.** (25 Jaycee Drive, Valmont Industrial Park, West Hazleton, PA 18201) for flexible foam manufacturing process lines and ancillary processes and space heaters in West Hazleton Borough, **Luzerne County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Attn: Eric Gustafson, (814) 332-6940.*

**43-00003: Cooper Energy Services** (150 Lincoln Avenue, Grove City, PA 16127) located in Grove City Borough, **Mercer County**. Cooper Energy Service's air emission sources include several natural gas fired combustion units, three electric induction furnaces, sand silos and associated sand handling system, three engine test pits, shotblast and spinblast rooms, a metal spray booth and parts cleaning/painting booth. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Particular Matter and Volatile Organic Compounds.

### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-301-080: David J. Boyko Funeral Home** (10 East Main Street, Macungie, PA 18062) for construction of a crematory incinerator in Allentown, **Lehigh County**.

**40-306-002D: UGI Utilities, Inc.** (Hanover Industrial Estates, 400 Stewart Road, P. O. Box 3200, Wilkes-Barre,

PA 18773) for utilization of petroleum coke as a supplemental fuel at the Route 11 Facility in Hunlock Township, **Luzerne County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**08-313-004H: Osrsm Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848) for construction of a chemical reactor (M-1) to be controlled by an existing air cleaning device (a packed bed scrubber) in Towanda Borough, **Bradford County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**65-101A: Mill Service, Inc.** (R. D. 1, Box 135A, Yukon, PA 15698) for installation of silo, screen and crusher at Yukon Plant in South Huntingdon Township, **Westmoreland County**.

**11-433A: GapVax, Inc.** (575 Central Avenue, Johnstown, PA 15902) for installation of paint booth at Johnstown Plant in Johnstown, **Cambria County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**61-399-007D: A. G. Industries, Inc.** (671 Colbert Avenue, Oil City, PA 16301) for minor modification of Plan Approval 61-399-007C to clarify the facility's status as a small, existing hard chromium electroplating facility subject to 40 CFR Part 63, Subpart N in Oil City, **Venango County**.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Applications received and intent to issue Operating Permits 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.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**08-313-004H: Osrsm Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848) for construction of a chemical reactor (M-1) to be controlled by an existing air cleaning device (a packed bed scrubber) in Towanda Borough, **Bradford County**.

**Proposed Revision to the State Implementation Plan for Volatile Organic Compounds (VOC).  
Approval of a Reasonably Available Control Technology Plan for Conestoga Wood Specialties, Inc., East Earl Township, Lancaster County.**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan, and proposes to revise the State Implementation Plan (SIP) for Conestoga Wood Specialties, Inc. at 245 Reading Road, East Earl, PA 17519.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 36-2017B for the existing facility to comply with current regulations. The preliminary VOC RACT determination for the surface

coating operation is a high solids top coat and sealer system coating reformulations.

The preliminary RACT determination, when finally approved, will be incorporated into a Plan Approval/Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania SIP.

The facilities potential VOC emissions shall be limited to approximately 95 tons per year. Additional conditions require monitoring, testing, reporting and recordkeeping requirements for the VOC sources at the facility.

An appointment to review the RACT plan, plan approval and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on October 27, 1998, at Goodville Fire Hall, Goodville, PA 17528 beginning at 1 p.m. until such a time as all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing, and should contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to reserve a time to present testimony. Commentators are requested to provide a written copy of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Persons interested in submitting written comments should send their comments to Ranjan Roy, Air Pollution Control Engineer, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 on or before October 22, 1998.

Persons with a disability who wish to attend the above hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Doverspike Brothers Coal Co.  
Jefferson County**

The Department of Environmental Protection (Department) will conduct a public hearing on October 20, 1998, beginning at 1 p.m. in the Air Quality Conference Room of the Department's Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, Reasonably Available Control Technology (RACT) plan by Doverspike Brothers Coal Co., Box 271, Punxsutawney, PA to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposal will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. This facility is located in Jefferson County.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements

contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into Plan Approval and/or Operating Permit for the facility and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary NO<sub>x</sub> and VOC RACT determination for facility (major sources only):

*Source*

Thermal Dryer

*NO<sub>x</sub> RACT and VOC RACT*

- The average dryer feed rate shall not exceed 289 ton per hour. This shall be calculated over a 24-hour operating period.
- Daily dryer throughputs and hours of operation shall be recorded and maintained at the site. Records shall be retained for at least 5 years and shall be made available to the Department upon request.
- The source shall be operated and maintained in accordance with the manufacturer's specifications. The source shall also be operated and maintained in accordance with good air pollution control practices.

A public hearing will be held for the purpose of receiving comments on the above proposed Plan Approval and/or Operating Permit and the proposed SIP revisions. The public hearing is scheduled on Tuesday, October 20, 1998, 1 p.m.—3 p.m., at the Air Quality Conference Room, Regional Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407.

Persons wishing to present testimony at the hearing should contact Lori McNabb, Air Pollution Control Engineer, 270 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lori McNabb at (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to the above noted contact person. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional office (Air Quality). Appointments for scheduling a review must be made by calling the contact person noted previously.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the 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 (Department). 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 the 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 will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The 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 Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

sires to have the conference conducted in the locality of the proposed mining activities.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Received*

**56890102.** Permit Revision, **Svonavec, Inc.** (140 West Union Street, Somerset, PA 15501). The permit revision is for the purpose of adding 4.8 acres to the existing permit. This revision also includes a request for a variance to construct a haul road across an unnamed tributary to Casselman River. This crossing is located approximately 1,230 feet north of the unnamed tributary's entrance into the Casselman River, in Lower Turkeyfoot Township, **Somerset County**, affecting 87.7 acres, receiving stream unnamed tributaries to Casselman River and Casselman River. Application received September 4, 1998.

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

**03980105.** **Dutch Run Coal, Inc.** (R. R. 2, Shelocta, PA 15774). Application received for commencement, operation and reclamation of a bituminous surface mine located in Sugarcreek Township, **Armstrong County**, proposed to affect 217.2 acres. Receiving streams: unnamed tributaries to Buffalo Creek and unnamed tributaries to Patterson Creek to Patterson Creek; all to Buffalo Creek to Allegheny River. A social and economic justification is included with this application. Application received: September 9, 1998.

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

**17970108.** **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Major permit revision for a change in permit acreage from 453.0 to 458.0 acres and a variance to utilize and modify an existing stream crossing of Haslett Run, Bell Township, **Clearfield County**, receiving streams: unnamed tributaries to Whisky Run and unnamed tributaries to Haslett Run to Whisky Run and Haslett Run, both tributary to the West Branch of the Susquehanna River. Application received August 19, 1998.

**17980119.** **Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 26 acres, receiving streams: unnamed tributary to Campbell Run. Application received August 27, 1998.

**17930112.** **Hepburnia Coal Co., Inc.** (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous surface mine permit in Jordan Township, Clearfield County affecting 68.5 acres, Jordan Township, **Clearfield County**, receiving streams: unnamed tributary of Potts Run. Application received August 6, 1998.

**17814000.** **Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881). Renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 204.2 acres, receiving streams: an unnamed tributary to, and Irish Run to Curry Run to West Branch Susquehanna River. Application received August 10, 1998.

**17820104.** **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 479.5 acres, receiving streams: Long Run and an unnamed tributary to Clearfield Creek to West Branch Susquehanna River. Application received August 19, 1998.

**17920108.** **Johnson Bros. Coal Co.** (R. D. 1, Box 580, Mahaffey, PA 15757). Renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 60.2 acres, receiving streams: unnamed tributary to Kratzer Run to Kratzer Run to Anderson Creek to West Branch Susquehanna River. Application received August 17, 1998.

**57813001.** **Bernice Mining & Contracting, Inc.** (P. O. Box 208, Mildred, PA 18632). Transfer of an existing bituminous surface mine-coal preparation plant permit from Commonwealth Resource Corporation, Cherry Township, **Sullivan County** affecting 511 acres, receiving streams: Birch Creek to Loyalsock Creek, two unnamed tributaries to West Branch Susquehanna River to Susquehanna River. Application received August 31, 1998.

**57830101.** **Bernice Mining & Contracting, Inc.** (P. O. Box 208, Mildred, PA 18632). Transfer of an existing bituminous surface mine-coal refuse disposal permit from Commonwealth Resource Corporation, Cherry Township, **Sullivan County** affecting 880.1 acres, receiving streams: Birch Creek and two tributaries of Loyalsock Creek to West Branch of Susquehanna River. Application received August 31, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**33950101.** **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650). Transfer of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 57.0 acres. Receiving streams: Unnamed tributaries to Front Run and Front Run. Transfer from John R. Yenzi, Jr. Application received August 27, 1998.

**33930104.** **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650). Transfer of an existing bituminous strip and auger operation in Winslow Township, **Jefferson County** affecting 336.0 acres. Receiving streams: Unnamed tributaries to Trout Run and an unnamed tributary to Front Run. Transfer from John R. Yenzi, Jr. Application received: August 27, 1998.

**33930112.** **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650). Transfer of an existing bituminous strip operation in Beaver Township, **Jefferson County** affecting 211.2 acres. Receiving streams: Unnamed tributaries to Reitz Run and unnamed tributaries to Ferguson Run. Transfer from John R. Yenzi, Jr. Application received August 27, 1998.

**33980107.** **Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous strip and auger operation in McCalmont Township, **Jefferson County** affecting 118.0 acres. Receiving streams: Turnip Run and Big Run. Application received August 28, 1998.

**61980103.** **Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Irwin Township, **Venango County** affecting 104.0 acres. Receiving streams: Five unnamed tributaries to Scrubgrass Creek. Application received September 2, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

*Noncoal Applications Received*

**4379306.** **H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Renewal of a sand and gravel operation in Lake Township, **Mercer County** affecting 220.0 acres. Receiving streams: Unnamed tributary to Little Shenango River. Application received September 1, 1998.

**33980308. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a sand and gravel operation in Oliver Township, **Jefferson County** affecting 33.8 acres. Receiving streams: Lick Run and unnamed tributary to Lick Run. Application received September 3, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**8173SM1C2. Milestone Materials, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231). Renewal of NPDES Permit No. PA0594148 in East Caln Township, **Chester County**, receiving stream—Valley Creek. Application received August 31, 1998.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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 (Department). 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 comments, suggestions or objections within 30 days of the date of this notice as well as 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 (800) 654-5984.

### 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.

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

**E40-506.** Encroachment. **Martin Mullen**, 57 Bunker Hill, Wyoming, PA 18644. To modify and maintain an existing pile-supported box/boathouse in Harveys Lake (HQ-CWF), with work consisting of constructing an additional 385 square feet of dock area, eliminating an existing boat slip. The structure, as modified, has dimensions of 35 feet (lakeward) by 33 feet and is located at Pole No. 179 (Harveys Lake, PA Quadrangle N: 21.0 inches; W: 8.0 inches), in Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E45-360.** Encroachment. **Mid-Monroe Development Corporation, c/o Resorts USA**, P. O. Box 447, Bushkill, PA 18324. To construct and maintain (1) a 3-span bridge having a total span of 200 feet and a minimum

underclearance of approximately 24 feet; (2) four wooden golf cart wetland crossings; and (3) a golf clubhouse and parking lot in and across tributaries to Pond Creek (HQ-CWF) and associated wetlands, including placement of fill in 0.11 acre of wetlands for Phases 2 and 3 of the Country Club of the Poconos planned residential development and 18-hole golf course and country club. The project is located north of U. S. Route 0209, between S. R. 1016 and township road T540 (Bushkill, PA Quadrangle N: 13.3 inches; W: 13.6 inches) in Middle Smithfield Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E54-254.** Encroachment. **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901. To repair and maintain an existing single-span bridge across Mill Creek (CWF), with work consisting of replacing the deck and railing, cleaning and painting the steel eye-beam stringers and repointing/repairing the stone masonry abutments. The bridge provides access to the Schuylkill County Municipal Authority building and is located on the east side of S. R. 0061, approximately 1,200 feet north of the St. Clair Borough/New Castle Township boundary (Pottsville, PA Quadrangle N: 19.5 inches; W: 9.8 inches) in New Castle Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E51-167.** Encroachment. **Fairmount Park Commission**, Memorial Hall, West Park, P. O. Box 21601, Philadelphia, PA 19131-0901. To modify and maintain the Fairmount Water Works along the Schuylkill River (WWF-MF). Work will include interior modifications to the lower level of the existing Engine House to provide kitchen and bathroom facilities, which will be located below the 100-year flowed elevation. Work may also include some minor grading within the 100-year flood plain associated with landscaping and utility work. The site is located along the east bank of the Schuylkill River, between Fairmount Dam and the Spring Garden Street Bridge (Philadelphia, USGS Quadrangle N: 16.5 inches; W: 8.2 inches) in the City and **County of Philadelphia**.

**E09-775.** Encroachment. **Byron Keeble**, 482 Harris Road, Unit 1, Grand Junction, CO 81501. To construct and maintain approximately 230 linear feet of sanitary sewer line across Beaver Run (EV) and associated 100-year floodplain. The utility line will provide connection to an existing septic system. The proposed 2-inch PVC force main will be encased in concrete and a 4-inch sleeve at the stream crossing. Temporary impact of adjacent wetlands is 0.05 acre (PFO). The site is located at a point approximately 1,000 feet south of the intersection of Rock Ridge Road and Strocks Grove Road (Riegelsville, PA-NJ Quadrangle N: 2.45 inches; W: 1.6 inches) in Nockamixon Township, **Bucks County**.

**E15-593.** Encroachment. **London Grove Township**, 550 Baltimore Pike, Suite 220, West Grove, PA 19390. To construct, operate and maintain an 8 inch force main sanitary sewer line across two unnamed tributaries of the East Branch of White Clay Creek (CWF). The utility line crossings are part of the Avonwheel Pump Station and Force Main Project which will convey sanitary sewer flows along 8,952 linear feet of pipe from Avonwheel Mobile Home Park to Inniscrone's Lagoon and Spray Irrigation Wastewater Treatment Plant located between Newport Pike (Route 41) and State Street (West Grove,

PA-DEL Quadrangle N: 14.7 inches; W: 5.5 inches) in London Grove Township, **Chester County**.

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E67-639.** Encroachment. **Springfield Township**, Lamar Lehman, 9211 Susquehanna Trail South, Seven Valleys, PA 17360. To place fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of widening East Springfield Lane along its eastern bank located east of Loganville approximately 2,000 feet south of its intersection with Ore Street (Glen Rock, PA Quadrangle N: 18.2 inches; W: 9.2 inches) in Springfield Township, **York County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E08-338.** Encroachment. **Smithfield Township Supervisors**, R. R. 1, Box 49, Milan, PA 18831. To construct and maintain a 22 foot by 22 foot by 12 inch thick reinforced concrete pad under an existing bridge in the West Branch of Tomjack Run located on T-617 (East Troy, PA Quadrangle N: 12.3 inches; W: 3.7 inches) in Smithfield Township, **Bradford County**. Estimated stream disturbance is approximately 25 feet of waterway with no wetland impact; stream classification Stock Trout Fishery.

**E49-220.** Encroachment. **John J. Romanoskie**, 868 West Walnut St., Coal Township, PA 17866. To construct and maintain a double I beam 20 foot concrete bridge deck with a minimum underclearance of 4.5 feet across Bennys Run. The project is located off the north side of Irish Valley Road (SR 4026) approximately 2.5 miles west of the intersection of SR 4026 with Rt. 61 (Trevorton, PA Quadrangle N: 11.0 inches; W: 0.0 inch) in Shamokin Township, **Northumberland County**. Estimated stream disturbance is approximately 16 feet of waterway with no wetland impact; stream classification Cold Water Fishery.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1247.** Encroachment. **McMurray Road Family Limited Partnership**, 116 Kenric Avenue, Donora, PA 15033. To construct and maintain a parking area, driveway and a walking/bike trail on the left bank and in the floodway of McLaughlin Run (WWF) to provide access to the proposed residence at Upper St. Clair, and to construct and maintain two outfall structures on the left bank of said stream. The project is located on the east side of McMurray Road (S. R. 3004) approximately 700 feet southeast from the intersection of McMurray Road and Washington Road (Bridgeville, PA Quadrangle N: 14.5 inches; W: 9.5 inches) in Upper St. Clair Township, **Allegheny County**.

**E02-1249.** Encroachment. **Findlay Township and Maronda Farms, Inc.**, P. O. Box W, Clinton, PA 15126. To place and maintain fill in approximately 0.2 acre of wetlands (PEM) on the right bank of Potato Garden Run for the purpose of constructing a sewage treatment plant. The project is located on the south side of Strass Road, just south of the intersection of Potato Garden Road and Strass Road (Clinton, PA Quadrangle N: 18.6 inches; W: 9.7 inches) in Findlay Township, **Allegheny County**. The permit applicant proposes to pay into the Pennsylvania Wetland Replacement Fund.

**E11-265.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 9-0**, 1620

North Juniata Street, Hollidaysburg, PA 16648. To remove the existing bridge and to construct and maintain a steel through welded plate girder bridge having a single normal span of 124.0 feet and an underclearance of 20.5 feet over Little Conemaugh River (WWF). Also during construction, to construct and maintain a temporary bridge located downstream and two temporary crossings within the channel and to repair the existing floodwall. The project is located along S. R. 0271 at Phoebe Court, previously known as Swank Court (Johnstown, PA Quadrangle N: 14.7 inches; W: 4.4 inches) in the City of Johnstown, **Cambria County**.

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

**E10-287.** Encroachment. **Center Township**, 419 Sunset Drive, Municipal Building, Butler, PA 16001-1337. To remove the existing structure and to construct and maintain a prefabricated concrete bridge (conspan) with a span of 21 feet 7 inches and a maximum underclearance of approximately 4 feet 5 inches on Stoney Run Road across Stony Run (WWF). This project is located on Stoney Run Road across Stony Run approximately 2,000 feet west of the intersection of Stoney Run Road and SR 0308 (Mount Chestnut, PA Quadrangle N: 11.8 inches; W: 2.8 inches) located in Center Township, **Butler County**.

**E20-460.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To remove the existing structure and to construct and maintain a precast reinforced concrete box culvert with a single clear span of 16 feet and an underclearance of 6 feet, 6 inches on a 70 degree skew on S. R. 3008 across a tributary to Pymatuning Reservoir (WWF). The box culvert will be submerged below the existing streambed elevation to allow for unobstructed passage of aquatic organisms. The project is located on S. R. 3008 across a tributary to Pymatuning Reservoir approximately 300 feet northeast of the intersection of S. R. 3008 and S. R. 3005 (Hartstown, PA Quadrangle N: 2.7 inches; W: 12.0 inches) located in South Shenango Township, **Crawford County**.

**E25-574.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To remove the existing structure and to construct and maintain a prestressed reinforced concrete adjacent box beam bridge with a single clear span of 80 feet and a maximum underclearance of 14 feet, 10 inches on S. R. 3006 across Edinboro Lake (Conneauttee Creek-WWF). The project is located on S. R. 3006 across Edinboro Lake approximately 1,000 feet west of the intersection of S. R. 0006N and S. R. 0099 in Edinboro Borough, (Edinboro North, PA Quadrangle N: 0.2 inch; W: 1.4 inches) located in Edinboro Borough, **Erie County**.

**E61-218.** Encroachment. **Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. To remove and backfill the existing Sugarcreek Borough sewage pump station No. 3 which is within the floodplain of French Creek, and to construct and maintain an upgraded sewage pump station within the flood plain of French Creek. The project is located in the Borough of Sugarcreek approximately 2,300 feet west of the intersection of S. R. 0322 and Sugarcreek Drive (Franklin, PA Quadrangle N: 7.2 inches; W: 16.6 inches) located in Sugarcreek Borough, **Venango County**.



### DAM SAFETY

**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.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D30-034A. Dam. Cyprus Emerald Resources Corporation** (145 Elm Drive, Waynesburg, PA 15370). To modify, operate and maintain the slurry impoundment at the Cyprus Emerald Mine No. 1 Coal Refuse Disposal Facility on a tributary to Smith Creek (WWF) to expand the existing facility (Waynesburg, PA Quadrangle N: 1.8 inches; E: 7.4 inches) in Franklin Township, **Greene County**.

### ACTIONS

#### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

**[National Pollution Discharge Elimination System Program (NPDES)]**

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

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

Persons 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, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

**NPDES Permit No. PA0057461.** Sewerage. **Daniel Ranker**, 1720 Upper State Road, New Britain, PA 18901 is authorized to discharge from a facility located in West Rockhill Township, **Bucks County** into an unnamed tributary to Three Mile Run.

**NPDES Permit No. PA0013714, Amendment No. 1.** Industrial waste. **PECO Energy Company**, 2301 Market Street, S21-2, P. O. Box 8699, Philadelphia, PA 19101-8699 is authorized to discharge from a facility located in Eddystone Borough, **Delaware County** into Delaware River Estuary Zone 4 and Crum Creek.

**NPDES Permit No. PA0013714.** Industrial waste. **R. T. Environmental Service Inc.**, 215 W. Church Road, King of Prussia, PA 19406 is authorized to discharge from a facility located in Upper Merion Township, **Montgomery County** into Frog Run.

**NPDES Permit No. PA005725.** Sewage. **William P. Adams**, 452 Stonebridge Road, Perkasio, PA 18944 is authorized to discharge from a facility located in Haycock Township, **Bucks County** into an unnamed tributary to Tohickon Creek.

**WQM Permit No. 0998412.** Sewerage. **Steve Wolfson**, 309 Venture Partners c/o the Wolfson Group Inc., 621 Germantown Pike Suite 305, Norristown, PA 19401. Construction and operation of a pump station and force main to serve Richland crossing Retail Center located in Quakertown Borough, **Bucks County**.

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

**NPDES Permit No. PA-0040690.** Sewerage. **Lake-land School District**, 1569 Lakeland Drive, Jermyn, PA 18433 is authorized to discharge from a facility located in Scott Township, **Lackawanna County**, to an unnamed tributary of the South Branch Tunkhannock Creek.

**NPDES Permit No. PA-0063819.** Industrial waste. **Lafayette College**, High Street, Easton, PA 18042-1768 is authorized to discharge from a facility located in the City of Easton, **Northampton County**, to Bushkill Creek.

**NPDES Permit No. PA-0060712.** Sewerage. **Grace and Truth Evangelistic Association**, Rock Mountain Bible Corp., P. O. Box 66, South Gibson, PA 18842 is authorized to discharge from a facility located in Gibson Township, **Susquehanna County**, to an unnamed tributary to Tunkhannock Creek.

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

**NPDES Permit No. PA0215929.** Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701 is authorized to discharge from a facility located at Mudlick Run Shaft/Portal STP, Washington Township, **Indiana County** to receiving waters named Mudlick Run.

**NPDES Permit No. PA0037109.** Sewage, **Helvetia Coal Company**, P. O. Box 729, Indiana, PA 15701 is authorized to discharge from a facility located at Lucerne No. 9 Sewage Treatment Plant, Conemaugh Township, **Indiana County** to receiving waters named Marshall Run.

**NPDES Permit No. PA0042820.** Sewage, **Donald J. Dallatore, Jr.**, 1011 South Main Street, Washington, PA 15301-3218 is authorized to discharge from a facility located at Ridgecrest Mobile Home Park Sewage Treat-



ment Plant, South Franklin Township, **Washington County** to receiving waters named Unnamed Tributary of Chartiers Creek.

**NPDES Permit No. PA0024082.** Sewerage, **Municipal Authority of the Borough of Avonmore**, Box 133, Avonmore, PA 15618 is authorized to discharge from a facility located at Avonmore Borough Sewage Treatment Plant, Avonmore Borough, **Westmoreland County** to receiving waters named Kiskiminetas River.

**NPDES Permit No. PA0091758.** Sewerage, **Beaver Falls Holiday Inn**, Route 18 North, 7195 Eastwood Road, Beaver Falls, PA 15010 is authorized to discharge from a facility located at Holiday Inn of Beaver Falls STP, Big Beaver Borough, **Beaver County** to receiving waters named Unnamed Tributary of Clarks Run.

**NPDES Permit No. PA0095621.** Sewerage, **Ashville Borough Council**, P. O. Box 165, Ashville, PA 16613-0165 is authorized to discharge from a facility located at Ashville Borough Sewage Treatment Plant, Ashville Borough, **Cambria County** to receiving waters named Clearfield Creek.

**NPDES Permit No. PA0215848.** Sewerage, **J. G. Foodmart, James Gnagey**, R. D. 1, Box 620-G, Uniontown, PA 15401 is authorized to discharge from a facility located at J. G. Foodmart Sewage Treatment Plant, Route 51, North Union Township, **Fayette County** to receiving waters named an unnamed tributary of Redstone Creek.

**NPDES Permit No. PA0044679.** Sewerage, **Pigeon Creek Sanitary Authority**, P. O. Box 504, 513 Main Street, Bentleyville, PA 15314 is authorized to discharge from a facility located at Pigeon Creek Sewage Treatment Plant, Fallowfield Township, **Washington County** to receiving waters named Pigeon Creek.

**NPDES Permit No. PA0094757.** Sewerage, **C&G Savings Association**, 1201 12th Street, Altoona, PA 16601 is authorized to discharge from a facility located at Lake Cresson Manor STP, Allegheny Township, **Cambria County** to receiving waters named Clearfield Creek.

**NPDES Permit No. PA0023434.** Sewerage, **Koppel Borough**, Box I—Borough Building, Arthur Street and Third Avenue, Koppel, PA 16136 is authorized to discharge from a facility located at Koppel Borough Wastewater Treatment Facility, Koppel Borough, **Beaver County** to receiving waters named Beaver River.

**Permit No. 6398201.** Industrial waste, **Green Valley Packing, Inc.**, P. O. Box 202, Claysville, PA 15323. Construction of industrial waste—meat processing facility located in Buffalo Township, **Washington County** to serve Green Valley Packing, Inc.

**Permit No. 0297406.** Sewerage, **Glassport Borough**, Fifth and Monongahela Avenue, Glassport, PA 15045. Construction of sanitary sewers and pump stations lo-

cated in Glassport Borough, **Allegheny County** to serve Washington Boulevard SS + PS.

**Permit No. 0298404.** Sewerage, **The Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. Construction of sewer line extension Kaufmanns' Mall Area located in Robinson Township, **Allegheny County** to serve the Robinson Town Centre—Phase II.

**Permit No. 3098403.** Sewerage, **Mt. Morris Water and Sewer Authority**, P. O. Box 340, Mt. Morris, PA 15349. Construction of sanitary sewer collection system, pump station and force main located in Perry Township, **Greene County** to serve Meadow Ridge Business Park.

**Permit No. 6398402.** Sewerage, **Douglas Danforth**, 272 Justabout Road, Venetia, PA 15367. Construction of single residence sewage treatment facility located in Peters Township, **Washington County** to serve Danforth Residence.

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

**WQM Permit No. 1098407.** Sewerage, **James W. Garrett, SRSTP**, 311 Green Lake Dr., Mars, PA 16046. Construction of James W. Garrett SRSTP located in Adams Township, **Butler County**.

**WQM Permit No. 6298406.** Sewerage, **Michael L. Leach, SRSTP**, R. R. 4, Box 389, Sugar Grove, PA 16350. Construction of Michael L. Leach SRSTP located in Sugar Grove Township, **Warren County**.

#### INDIVIDUAL PERMITS

##### (PAS)

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, (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 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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q140	K & M Associates P. O. Box 332 Trexlerstown, PA 18087	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10Q155	Pitcairn Properties 165 Township Line Road Jenkintown, PA 19046-3599	Lehigh County Upper Macungie Township	Little Lehigh Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q158	Favallon Real Estate Services Company 2148 Embassy Drive Lancaster, PA 17603-2305	Lehigh County Upper Macungie Township	Little Lehigh Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W013R	McClelland Farms 3027 South Park Road Bethel Park, PA 15102	Washington County North Strabane Township	Little Chartier Creek
PAS10W068	United Washington Associates, L. P. P. O. Box 1142 Washington, PA 15301  Atlas Services P. O. Box 789 Washington, PA 15301	Washington County North Franklin Township	UNT Little Chartiers Creek
PAS10X084	Alan Latta 5543 Saltsburg Road Murrysville, PA 15668	Westmoreland County Municipality of Murrysville	UNT Haymakers Run
PAS10X089	CNG Transmission 445 West Main Street Clarksburg, WV 26301	Westmoreland County Salem Township Hempfield Township	Beaver Run Toomers Lake

#### INDIVIDUAL PERMITS

##### (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

##### *List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2**Facility Location  
County and  
Municipality*Luzerne County  
Wilkes-Barre Township*Permit No.*  
PAR10R153*Applicant Name  
and Address*  
The May Dept. Store Co.  
611 Olive St.  
St. Louis, MO 63101*Receiving Stream  
or Body of Water*  
Susquehanna River*Contact Office and  
Telephone No.*  
Luzerne CD  
(717) 674-7991Centre County  
Centre Hall Borough

PAR10F075

Long Subdivision II  
Robert R. Long  
133 North Hoffer Avenue  
Centre Hall, PA 16828

Sinking Creek

Centre County CD  
414 Holmes Ave.,  
Suite 4  
Bellefonte, PA 16823Butler County  
Oakland Township

PAS10E067

Abandoned Mine  
Reclamation  
P. O. Box 149  
Ebensburg, PA 15931

Thorn Creek

Butler Conservation  
District  
122 McCune Drive  
Butler, PA 16001-65001  
(724) 284-5270*General Permit Type—PAG 3**Facility Location  
County and  
Municipality*City of Erie  
Erie County*Permit No.*  
PAR238320*Applicant Name  
and Address*  
Engelhard Corp.  
1729 East Avenue  
Erie, PA 16503-2429*Receiving Stream  
or Body of Water*  
Motsch Run*Contact Office and  
Telephone No.*  
Northwest Region  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942*General Permit Type—PAG 4**Facility Location  
County and  
Municipality*Adams Township  
Butler County

PAG048535

*Applicant Name  
and Address*  
James W. Garrett  
311 Green Lake Drive  
Mars, PA 16046*Receiving Stream  
or Body of Water*  
Unnamed  
Tributary  
to Wolfe Run*Contact Office and  
Telephone No.*  
Northwest Region  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942Hayfield Township  
Crawford County

PAG048538

Herbert E. Hockenberry  
16664 Ridge Road  
Meadville, PA 16335Unnamed  
Tributary to  
Cussewago CreekNorthwest Region  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942Sugar Grove Township  
Warren County

PAG048533

Michael L. Leach  
R. R. 4, Box 389  
Sugar Grove, PA 16350

Saunders Run

Northwest Region  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942**SEWAGE FACILITIES ACT****PLAN APPROVAL****Plan approvals granted under the Pennsylvania  
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).***Southwest Regional Office: Regional Manager, Water  
Management, 400 Waterfront Drive, Pittsburgh, PA 15222-  
4745, (412) 442-4000.***Croyle Township, Cambria County. Gaye Lacko  
Property Single Residence Sewage Treatment  
Plant.** On the east side of Beyers Road (SR 2008)  
approximately 1 mile south of Route 53.

Approval of a revision to the Official Sewage Plan of  
Croyle Township, Cambria. Project involves construction  
of a small flow sewage treatment facility to serve a  
proposed 3 bedroom residential dwelling which will be  
located on the east side of Beyers Road. Treated effluent  
is to be discharged to the Little Conemaugh River.

**SAFE DRINKING WATER****Applications issued for Operation Permit issued  
under the Pennsylvania Safe Drinking Water Act  
(35 P. S. §§ 721.1—721.17).***Regional Office: Northcentral Field Operations, Envi-  
ronmental Program Manager, 208 West Third Street, Suite  
101, Williamsport, PA 17701.*

**Application No. M. A.** The Department issued an operating permit to **Clearfield Municipal Authority** (107 East Market Street, Clearfield, PA 16830; Clearfield Borough, **Clearfield County**) for authorization of operation of a bypass line around the sedimentation basins. This allows the facility's filter plant to operate in the Direct Filtration Mode.

**Application No. M. A.** The Department issued a construction permit to **Pennsylvania American Water Company** (800 West Hersheypark Drive, Hershey, PA 17033; Philipsburg Borough, **Centre County**) for rehabilitation of the Shady Acres finished water storage tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) 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, contact the Environmental Cleanup Program in the Department's 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 (800) 654-5984.

The Department has received the following final report:

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

**Former O'Donnell's Ambulance Service**, North Huntingdon, **Westmoreland County**. Tim O'Donnell, 160 Bush Creek Road, Irwin, PA 15642 and Jeffrey S. Chambers, Chambers Environmental Group, Inc., 485 East College Avenue, Pleasant Gap, PA 16823 has submitted a Final Report addressing soil contaminated with BTEX and lead. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

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Provisions of Chapter 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediation Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or 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 (800) 654-5984.

The Department has acted upon the following plans and reports:

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Former Murata Electrics NA, Inc., CREDC Property**, Carlisle Borough, **Cumberland County**. Alliance Environmental Services, Inc., 2595 Interstate Drive, Harrisburg, PA 17110 submitted a final report concerning the remediation of site groundwater contaminated with heavy metals and solvents and site soils contaminated with solvents. The final report demonstrated attainment of the background standard for groundwater and the site specific standard for soils. The final report was approved by the Department on September 4, 1998.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 321-6525.*

**Friedman's Express—Bloomsburg Truck Terminal**, City of Bloomsburg, **Columbia County**. RT Environmental Services, Inc., on behalf of their client Friedman's Express, 79 North Mountain Top Boulevard, Mountain Top, PA 18707 has submitted a final report concerning the remediation of site soil and groundwater. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on September 3, 1998.

## **SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES**

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Water 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: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.*

**Permit I. D. No. 301295. Hazleton Oil Salvage, Ltd.**, P. O. Box 2339, Hazleton, PA 18201. A permit authorizing the operation of a residual waste oil processing facility, located in Banks Township, **Carbon County**. This permit provides for accepting and bulking waste oil, oily water, anti-freeze and petroleum-contaminated debris for the next 10 years. The permit was issued in the Regional Office on September 3, 1998.

## **AIR QUALITY**

### **OPERATING PERMITS**

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-312-213GP: Bayway Refining Co.** (4101 Post Road, Trainer, PA 19061) issued for a cone roof storage tank in Trainer Borough, **Delaware County**.

**46-310-048GP: Haines & Kibblehouse, Inc.** (394 Sanatoga Road, Pottstown, PA 19464) issued for a portable crusher in Lower Pottsgrove Township, **Montgomery County**.

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**46-0054A: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001) for operation of a Facility VOC/NOx RACT in Abington Township, **Montgomery County**.

**46-00060: Dept. of Public Welfare, Norristown State Hospital** (1001 East Sterigere Street, Norristown,

PA 19401) for operation of a Facility Title V Operating Permit in Norristown Borough, **Montgomery County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**65-788C: Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) issued September 3, 1998, for operation of Cup Kewanee Boiler 3 at the Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

**65-399-026: Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) issued September 3, 1998, for installation of frit seal oven at the Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

**65-399-027: Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) issued September 3, 1998, for operation of exhaust oven at the Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

**65-399-029: Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) issued September 3, 1998, for installation of aperture grille line at the Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

**26-486A: St. Jude Educational & Rehab. Services** (340 National Pike, Markleysburg, PA 15459) issued September 9, 1998, for operation of human crematory in Henry Clay Township, **Fayette County**.

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**09-313-066: Rohm & Haas Company (Formerly Rohm & Haas Delaware Valley Inc.)** (Old Route 13 and Route 413, Bristol, PA 19007) issued September 2, 1998, for a multi-purpose reactor in Bristol Township, **Bucks County**.

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

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**41-305-004: Keystone Filler and Mfg. Co.** (214 Railroad Street, Muncy, PA 17756) amended August 26, 1998, to authorize construction of an additional minor air contamination source, an enclosed carbon products screen, to be controlled by an existing air cleaning device (a cartridge collector) in Muncy Creek Township, **Lycoming County**.

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**PLAN APPROVALS**


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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**23-0067: Alloy Surfaces Co., Inc.** (I-95 Industrial Park, Aston, PA 19014) issued September 14, 1998, for operation of a caustic metal treatment process in Chester Township, **Delaware County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**01-310-031A: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214) issued September 9, 1998, for construction of a fabric collector that controls a granular coloring line at their Charmian Plant in Hamiltonban Township, **Adams County**.

**01-310-040D: Carmeuse Pennsylvania, Inc.** (P. O. Box 468, Hanover, PA 17331) issued September 9, 1998, for modification of three lime kilns each controlled by a scrubber at their Hanover Lime Plant in Oxford Township, **Adams County**.

**06-3019: Pennsylvania Woodcraft, Inc.** (10 Vaughn Drive, Reading, PA 19606) issued September 8, 1998, for construction of wooden furniture manufacturing controlled by dry filters at their Exeter Plant in Exeter Township, **Berks County**.

**06-310-003A: Eastern Industries, Inc.** (4401 Camp Meeting Rd., Suite 200, Center Valley, PA 18034) issued September 11, 1998, for construction of a nonmetallic mineral crushing plant controlled by wet suppression at the Kutztown Quarry in Maxatawny Township, **Adams County**. This source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

**22-03014: Stewart-Amos Steel, Inc.** (4400 Paxton Street, Harrisburg, PA 17111) issued September 8, 1998, for installation of a fabricated steel surface coating operation in Swatara Township, **Dauphin County**.

**31-313-001B: Owens-Corning Fiberglas Corp.** (1200 Susquehanna Avenue, Huntingdon, PA 16652) issued September 8, 1998, for modification of Mat Lines 1, 2, and 3 in Huntingdon Borough, **Huntingdon County**.

**36-05067C: C & D Technologies, Inc.** (82 East Main Street, Leola, PA 17540) issued September 8, 1998, for modification of the lead-acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**36-308-068B: J. Walter Miller Co.** (411—427 East Chestnut Street, Lancaster, PA 17602) issued September 10, 1998, for modification of the foundry sand system controlled by a fabric filter in Lancaster City, **Lancaster County**.

**36-308-085: J. Walter Miller Co.** (411—427 East Chestnut Street, Lancaster, PA 17602) issued September 10, 1998, for construction of the automatic modeling line controlled by a fabric collector in Lancaster City, **Lancaster County**.

**67-03018A: Penn-Mar Castings, Inc.** (500 Broadway, Hanover, PA 17331) issued September 8, 1998, for instal-

lation of two sand mixers and welding tables controlled by a dust collector in Hanover Borough, **York County**.

**67-303-013: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405) issued September 8, 1998, for construction of the batch asphalt plant controlled by a cyclone and baghouse in Hanover Borough, **York County**. This source is subject to 40 CFR 60, Subpart I, Standards of Performance for Hot Asphalt Facilities.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**17-305-012A: Fuel Fabricators** (P. O. Box 368, Bigler, PA 16825) issued August 5, 1998, for construction of a coal-fired boiler and associated air cleaning device (a multicclone collector) in Bradford Township, **Clearfield County**.

**14-318-001A: Spectra Wood** (2651 Carolean Industrial Drive, State College, PA 16805) issued August 20, 1998, for modification of a wood furniture finishing operation (increase in allowable volatile organic compound emissions of 6 tons per 12 consecutive month period) in College Township, **Centre County**.

**17-305-007C: River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847) issued August 27, 1998, for construction of two coal screens and an associated conveyor in Karthaus Township, **Clearfield County**. The screens and conveyor are subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**12-323-002: Caldwell Corp.** (116 West Second Street, Emporium, PA 15834) issued August 31, 1998, for construction of a brake disc burnoff oven in Emporium Borough, **Cameron County**.

**49-0002A: Foster-Wheeler Mt. Carmel, Inc.** (Marion Heights Road, Marion Heights, PA 17832) issued August 31, 1998, for construction of an anthracite culm trommel screen and installation of air cleaning devices (two cartridge collectors) on an ash silo in Mt. Carmel Township, **Northumberland County**. The trommel screen is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**65-713A: Waste Management of PA, Inc.** (R. D. 1, Box 717, Landfill Road, Scottdale, PA 15683) issued September 10, 1998, for installation of leachate evaporation system at Greenridge Reclamation in East Huntingdon Township, **Westmoreland County**.

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


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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**09-302-065A: Rohm & Haas Co.** (Route 413 and Old Route 13, Bristol, PA 19007) issued September 4, 1998, for operation of two boilers to amend waste in Bristol Township, **Bucks County**.

**15-399-044A: Quebecor Printing Atglen, Inc.** (Lower Valley Road and Route 372, West Sadsbury, PA

19365) issued September 3, 1998, for operation of a hard chrome electroplating bath in West Sadsbury Township, **Chester County**.

**09-313-093: Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951) issued September 9, 1998, for operation of two web offset presses in Quakertown Borough, **Bucks County**.

**15-0015A: Sartomer Co., Inc.** (610 South Bolmar Street, West Chester, PA 19382) issued September 10, 1998, for operation of an emergency generator in West Chester Borough, **Chester County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**04-307-073C: Koppel Steel Corp.** (P. O. Box 750, Beaver Falls, PA 15010) for installation of multi-lance manipulator in Koppel Borough, **Beaver County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**10-277A: Wiest Asphalt Products** (310 Mitchell Hill, Butler, PA 16001) issued September 30, 1998, for a batch asphalt plant in Summit Township, **Butler County**.

**24-083B: Carbone of America, Graphite Materials Div.** (215 Stackpole Street, St. Marys, PA 15857) issued September 30, 1998, for a graphite machining center in Benzinger Township, **Elk County**.

**25-267A: American Meter Co.** (P. O. Box 1251, Erie, PA 16512) issued September 30, 1998, for two rubber curing ovens in Erie, **Erie County**.

**37-309-046: Essroc Materials, Inc.** (P. O. Box 779, Bessemer, PA 16112) issued June 30, 1998 for tire-derived fuel systems in Bessemer Borough, **Lawrence County**.

**25-322-003: Waste Management of PA, Inc., Lake View Landfill** (851 Robinson Road, Erie, PA 16514) issued August 30, 1998, for landfill to gas electric generation facility in Summit Township, **Erie County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the 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).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Permits Issued*

**32980102. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous strip-auger mine in Montgomery Township, **Indiana County**, affecting 64.6 acres, receiv-

ing stream unnamed tributaries to Cush Creek and Cush Creek. Application received February 10, 1998. Permit issued September 2, 1998.

**56930102. Permit Renewal, Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), commencement, operation and restoration of a bituminous strip-auger mine in Shade Township, **Somerset County**, affecting 280.0 acres, receiving stream Hinson Run, unnamed tributary to Hinson Run, two unnamed tributaries to Shade Creek, and Shade Creek. Application received January 21, 1998. Permit issued September 8, 1998.

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

**26880103R. Harry Lee and Rolland Herring** (204 Columbus Avenue, Masontown, PA 15461). Renewal issued for continued reclamation only of a bituminous surface mine located in German Township, **Fayette County**, affecting 55.0 acres. Receiving streams: unnamed tributaries to Cats Run and Cats Run. Application received: July 23, 1998. Renewal issued: September 10, 1998.

**65970104. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit revised to change the postmining land use from forestland to pastureland or land occasionally cut for hay at a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 260 acres. Receiving streams: unnamed tributaries to Jacobs Creek, Youghiogheny River. Application received: June 19, 1998. Revision issued: September 11, 1998.

**3372SM25(A). Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Permit revised to change the postmining land use from forestland to wildlife habitat at a noncoal surface mine (quarry) located in Bullskin Township, **Fayette County**, affecting 339 acres. Receiving streams: unnamed tributaries to Polecat Hollow to Breakneck Run to Whites Run to Mounts Creek to Youghiogheny River. Application received: July 10, 1998. Revision issued: September 11, 1998.

**03880104R. Walter L. Houser Coal Co., Inc.** (R. D. 9, Box 434, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Rayburn Township, **Armstrong County**, affecting 343 acres. Receiving streams: unnamed tributaries to the Allegheny River and unnamed tributary to Cowanshannock Creek to the Allegheny River. Application received: July 23, 1998. Renewal issued: September 11, 1998.

**26980102. Patterson Coal Company** (R. D. 2, Box 335, Smithfield, PA 15478). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Menallen Township, **Fayette County**, affecting 21.6 acres. Receiving streams: unnamed tributaries to Jennings Run, Jennings Run, Redstone Creek, Monongahela River. Application received: July 7, 1998. Permit issued: September 11, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**40930202R. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), renewal of a coal refuse processing operation in Hazle Township, **Luzerne County** affecting 447.7 acres, receiving stream—none. Renewal issued September 11, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**33960107. MAF Coal & Excavation, Inc.** (R. D. 1, Box 261A, Sligo, PA 16255). Commencement, operation

and restoration of a bituminous strip operation in Union Township, **Jefferson County** affecting 17.8 acres. Receiving streams: Welch Run. Application received: July 30, 1996. Permit issued: August 26, 1998.

**24930101. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Revision to an existing bituminous strip operation to change the postmining land use from forestland to wildlife habitat on the John L. and Margaret A. Buhler property in Horton Township, **Elk County**. Receiving streams: Johnson Run. Application received: June 19, 1998. Permit issued: September 2, 1998.

**16830107. Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650-9628). Renewal of an existing bituminous strip operation in Perry and Toby Townships, **Clarion County** affecting 124.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Black Fox Run, Black Fox Run, and Fiddlers Run to Black Fox Run. Application received: July 9, 1998. Permit issued: September 4, 1998.

**24930102. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Revision to an existing bituminous strip operation to change the postmining land use from forestland to wildlife habitat on the John L. and Margaret A. Buhler property in Horton Township, **Elk County**. Receiving streams: Unnamed tributary to Johnson Run to Johnson Run to Little Toby Creek; unnamed tributary of Brandy Camp Creek to Brandy Camp Creek to Little Toby Creek to Toby Creek. Application received: June 19, 1998. Permit issued: September 2, 1998.

**10980103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 101.1 acres. Receiving streams: Unnamed tributary to McDonald Run to Slippery Rock Creek. Application received: February 27, 1998. Permit issued: September 8, 1998.

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

*Small Industrial Mineral Permits Issued*

**08980802. Richard P. Ferguson** (R. D. 3, Box 301, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial mineral (shale) permit in Herrick Township, **Bradford County** affecting 1 acre, receiving streams: unnamed tributary to Camps Creek, tributary to Wyalusing Creek. Application received February 26, 1998. Authorization granted August 31, 1998.

**17980802. Stream & Site, Inc.** (R. R. 1, Box 279, Weedville, PA 15868), commencement, operation and restoration of a small industrial mineral (shale) permit in Sandy Township, **Clearfield County** affecting 4 acres, receiving streams: Narrows Creek, tributary to Sandy Lick Creek. Application received May 13, 1998. Authorization granted September 4, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*  
*Noncoal Permits Issued*

**20950301. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from Wood Gravel Company in Bloomfield Township, **Crawford County** affecting 29.5 acres. Receiving streams: Pine Hollow Run and Bloomfield Run. Application received: April 3, 1998. Permit issued: August 31, 1998.

**20910304. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand

and gravel operation from Wood Gravel Company in Steuben Township, **Crawford County** affecting 5.2 acres. Receiving streams: N/A. Application received: April 7, 1998. Permit issued: August 31, 1998.

**3776SM20. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from Tionesta Sand & Gravel, Inc. in Plum and Troy Townships, **Venango and Crawford Counties** affecting 13.7 acres. Receiving streams: N/A. Application received: April 3, 1998. Permit issued: August 31, 1998.

**37950303. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101). Transfer of an existing limestone operation from Medusa Aggregates Company in Shenango and Taylor Townships, **Lawrence County** affecting 188.0 acres. Receiving streams: Unnamed tributaries to McKee Run and McKee Run. Application received: February 4, 1998. Permit issued: August 25, 1998.

**37840409. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101). Transfer of an existing limestone operation from Medusa Aggregates Company in Shenango Township, **Lawrence County** affecting 185.9 acres. Receiving streams: Unnamed tributary to Big Run and unnamed tributary to McKee Run. Application received: February 4, 1998. Permit issued: August 25, 1998.

**61830306. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101). Transfer of an existing sand and gravel operation from Tionesta Sand & Gravel, Inc. in Cranberry Township, **Venango County** affecting 43.68 acres. Receiving streams: Allegheny River. Application received: April 3, 1998. Permit issued: September 2, 1998.

**4673SM13. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from Tionesta Sand & Gravel, Inc. in Pine Grove Township, **Warren County** affecting 28.5 acres. Receiving streams: North Branch Akeley Run to Conewango Creek. Application received: April 3, 1998. Permit issued: September 2, 1998.

**20940304. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from Tionesta Sand & Gravel, Inc. in Troy and Plum Townships, **Crawford and Venango Counties** affecting 44.0 acres. Receiving streams: Unnamed tributary to Sugar Creek. Application received: April 3, 1998. Permit issued: September 2, 1998.

**20870305. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from Tionesta Sand & Gravel, Inc. in Troy Township, **Crawford County** affecting 33.5 acres. Receiving streams: Sugar Creek. Application received: April 3, 1998. Permit issued: September 2, 1998.

**4877SM5. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from Tionesta Sand & Gravel, Inc. in Steuben Township, **Crawford County** affecting 13.0 acres. Receiving streams: Marsh Run. Application received: April 3, 1998. Permit issued: September 2, 1998.

**4672SM10. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from The Shermac Company in Limestone Township, **Warren County** affecting 129.5 acres. Receiving streams: Two unnamed tributaries to the Allegheny River. Application received: April 3, 1998. Permit issued: September 2, 1998.

**4672SM10. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Renewal of NPDES No.



PA0089184, Limestone Township, **Warren County**. Receiving streams: Two unnamed tributaries to the Allegheny River. Application received: April 3, 1998. Permit issued: September 2, 1998.

**2579301. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Renewal of NPDES No. PA0118354 in Greene Township, **Erie County**. Receiving streams: Four Mile Creek. Application received: July 15, 1998. Permit issued: September 4, 1998.

**2579301. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 10 vertical feet along a 1,000 foot section of an unnamed tributary to Four Mile Creek in Greene Township, **Erie County**. Receiving streams: Four Mile Creek. Application received: July 15, 1998. Permit issued: September 4, 1998.

**10980302. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a sand and gravel operation in Slippery Rock and Cherry Townships, **Butler County** affecting 119.9 acres. Receiving streams: Unnamed tributary of McMurray Run. Application received: January 9, 1998. Permit issued: September 8, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**7776SM1A3C2. Martin Stone Quarries, Inc.** (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit No. PA0611883 in Colebrookdale Township, **Berks County**, receiving stream—unnamed tributary to Swamp Creek. Renewal issued August 31, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *General Small Noncoal Authorizations Granted*

**34982801. Zemco, Inc.** (P. O. Box 2208, Mifflintown, PA 17059), commencement, operation and restoration of a quarry operation in Milford Township, **Juniata County** affecting 5.0 acres, receiving stream—none. Authorization granted September 11, 1998.

**58980831. Chancey Kelley** (R. R. 4, Box 252A, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Authorization granted September 11, 1998.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

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

Persons 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, 400 Market Street, Floor 2, 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 the 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 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.

**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 Clean Streams Law (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.*)

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

**E46-804.** Encroachment Permit. **O'Neill Properties**, 1710 Walton Road, Suite 200, Blue Bell, PA 19422. To encroach on approximately 200 linear feet of the 100-year floodway of Pine Run (TSF) by constructing an access roadway which will connect the existing parking facility at 485 Virginia Drive with the former Lehigh Valley Dairy property. The proposed roadway will also cross an unnamed tributary and a drainage swale to the Pine Run. The stream crossings will be accomplished utilizing 37 linear feet, of 8-foot by 5-foot reinforced concrete box culvert with concrete endwalls and riprap aprons at both ends. The project site is located immediately northeast of the intersection of Camp Hill Road and Pennsylvania Turnpike (Amler, PA Quadrangle N: 1.8 inches; W: 8.4 inches) in Upper Dublin Township, **Montgomery County**.

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

**E13-110.** Encroachment. **Panther Creek Partners**, 1001 Industrial Road, Nesquehoning, PA 18240. To excavate and place fill in 0.15 acre of wetlands for the construction of a wastewater impoundment. The project, associated with the Panther Creek Energy Facility, is located approximately 3.2 miles west of the intersection of S. R. 0054 and S. R. 0209 (Tamaqua, PA Quadrangle N: 19.0 inches; W: 0.75 inch) in Nesquehoning Borough, **Carbon County**. The permittee is required to provide for 0.15 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

**E13-112.** Encroachment. **Carbon County**, P. O. Box 129, Jim Thorpe, PA 18229. To repair, modify and maintain an existing stone masonry arch bridge, having three spans of 20.5 feet with an underclearance of 11.5 feet on a 68 degree skew across Lizard Creek. The project is located approximately 0.3 mile downstream of the intersection of the Pennsylvania Turnpike Northeast Extension and Lizard Creek (Lehighon, PA Quadrangle N: 8.2 inches; W: 5.5 inches) in East Penn Township, **Carbon County**.

**E35-279A.** Encroachment. **Peter Amato**, 6 Whitetail Run Road, Dalton, PA 18414. To amend Permit No. E35-279 to place fill in an additional 0.084 acre of wetlands for a total wetland impact of 0.132 acre for the

construction of a private driveway. The project is located on the east side of Reynold's Road (T-456), approximately 1,000 feet north of S. R. 0632 (Dalton, PA Quadrangle N: 5.7 inches; W: 6.2 inches) in North Abington Township, **Lackawanna County**. The permittee is required to provide 0.27 acre of replacement wetlands.

**E35-295.** Encroachment. **Pennsylvania Department of Transportation, District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure; to construct and maintain a 12 foot × 6.5 foot precast reinforced concrete box culvert on a 40 degree skew, depressed 1 foot below streambed elevation; and to construct and maintain 131 linear feet of trapezoidal channel having 1H:1V side slopes, on an average bottom width of 11 feet and R8 rock riprap bank stabilization in a Tributary to South Branch of Tunkhannock Creek. The project, associated with the S. R. 1017, Section 270 bridge replacement, is located at the intersection of S. R. 1017 and a Tributary to South Branch Tunkhannock Creek, approximately 0.2 mile northeast of the intersection of S. R. 0247 and S. R. 1017 (Carbondale, PA Quadrangle N: 6.4 inches; W: 14.4 inches) in Scott Township, **Lackawanna County**.

**E39-347.** Encroachment. **Wegmans Food Markets**, 1500 Brooks Avenue, Rochester, NY 14962-0844. To fill in 0.43 acre of wetlands for the construction of a proposed retail facility. The project, associated with the Wegmans Food Markets Development, is located on the south side of S. R. 1002 (Tilghman Street) immediately southeast of its intersection with 40th Street (Allentown West, PA Quadrangle N: 16.9 inches; W: 5.9 inches) in the City of Allentown, **Lehigh County**. The permittee is required to provide 0.43 acre of replacement wetlands.

**E39-348.** Encroachment. **Fuller Bulk Handling Corporation**, 614 Front Street, Catasauqua, PA 18032. To construct and maintain a 30-inch diameter P.V.C. outfall structure along the left bank of the Lehigh Canal. The project is located approximately 0.23 mile downstream of the Northampton/Lehigh County boundary line (Catasauqua, PA Quadrangle N: 5.1 inches; W: 14.2 inches) in Catasauqua Borough, **Lehigh County**.

**E39-349.** Encroachment. **PP&L, Inc.**, Mail Stop 4, 2 North Ninth Street, Allentown, PA 18101-1179. To construct and maintain a 138 KV electric distribution line aerial crossing of the Lehigh River. The project, associated with the Siegfried—Wescosville Part V Lehigh River Crossing project, is located at the intersection of S. R. 0143 and S. R. 1027 (Cementon, PA Quadrangle N: 14.6 inches; W: 3.0 inches) extending northeast over the Lehigh River in North Whitehall and Allen Townships, **Lehigh and Northampton Counties**.

**E48-268.** Encroachment. **Richard and Lynn Cacciola**, 834 South Oak Road, Bath, PA 18014. To remove the existing structure and to construct and maintain a private bridge having a single span of approximately 23 feet and an underclearance of approximately 4.6 feet across Hokendauqua Creek to provide access to a residential building site. The project is located on the north side of Township Road T604, approximately 0.4 mile upstream from S. R. 4014 (Kunkletown, PA Quadrangle N: 8.0 inches; W: 7.8 inches) in Moore Township, **Northampton County**.

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E01-174.** Encroachment. **Caldwell Development Inc.**, Mark Caldwell, 434 N. Front Street, Ormleysburg,

PA 17043. To fill 0.13 acre of jurisdictional wetlands for the purpose of constructing a Giant Food Store at the existing Gettys Mobile Home Park located southeast of Lincoln Highway (SR 0030) and Natural Springs Road (Gettysburg, PA Quadrangle N: 16.0 inches; W: 11.5 inches) in Straban Township, **Adams County**. Permittee is required to construct 0.13 acre of replacement wetlands.

**E06-513.** Encroachment. **Eli Burkholder**, Box 64, 315 Bowers Road, Bowers, PA 19511. To widen an existing bridge by 10 feet, 4 inches to allow crossing with farm equipment across the channel of Sacony Creek at a point approximately 2,300 feet downstream of Bowers Road (Manatawny, PA Quadrangle N: 20.75 inches; W: 16.75 inches) in Maxatawny Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-515.** Encroachment. **PA Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To construct and maintain an 84-inch stream enclosure in the channel of a tributary to Lauers Run at a point approximately 700 feet upstream of Logan Avenue (Reading, PA Quadrangle N: 12.9 inches; W: 15.4 inches) and to construct and maintain a twin 10-foot by 3-foot concrete culvert in the channel of Lauers Run at a point just downstream of the Stanford Avenue Detention Basin (Reading, PA Quadrangle N: 12.2 inches; W: 16.6 inches) for the purpose of constructing Section 3 of SR 0222 in Wyomissing Borough and Spring Township, **Berks County**. This permit also includes 401 Water Quality Certification.

**E38-118.** Encroachment. **Pine Meadows Golf Course**, Larry Raybold, P. O. Box 66, Manheim, PA 17545. To construct and maintain three golf cart/pedestrian bridges across a tributary to the Little Swatara Creek for access to No. 3, 15 and 16 golf greens. Construction and maintenance of 3-inch water lines are authorized to be attached to Bridges #15 and #16, and a 6-inch main water line under the cart culvert at green #13. Fill is authorized to be placed in a de minimis area of wetlands equal to 0.04 acre for construction of paved cart path at green #13 and the ramps onto Bridge No. 3. Fill is also authorized to be placed and maintained within the Little Swatara Creek floodway for construction of Green #13 and the side slopes stabilized with rock.

This permit also authorizes the enlargement and excavation to deepen five existing ponds on tributaries to the Little Swatara Creek to provide additional storage capacity for golf course irrigation. Permittee is authorized to perform pond maintenance and remove accumulated sediment as necessary to maintain pond capacity. The proposed golf course expansion of the Pine Meadows Golf Course is located on the west side of SR 343 and south of Greble Road (Fredericksburg, PA Quadrangle N: 6.5 inches; W: 7.0 inches) in Bethel Township, **Lebanon County**. This permit also includes 401 Water Quality Certification.

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

**E14-326.** Encroachment. **Pa. Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To construct and maintain a 4 span steel multi-girder bridge with a total span of 882 feet and minimum underclearance of 101 feet across Logan Branch of Spring Creek for SR 0026 Section C05 located above SR 0144 approxi-

mately 1.25 miles south of the village of Axemann (Bellefonte, PA Quadrangle N: 0.69 inch; W: 1.88 inches) in Spring Township, **Centre County**.

**E18-259.** Encroachment. **Green Township Supervisors**, Logantown, PA 17747. To maintain an existing single span box beam bridge with a structural length of 44 feet and a width of approximately 16 feet and 10 foot underclearance with a reinforced concrete deck with an asphalt wearing surface over Fishing Creek and to maintain gravel and debris removal upstream and downstream of the bridge approximately 50 feet in each direction. The project is located on T-350 (Stover Road) approximately 1/2 mile south of the intersection of T-350 with RT 880 (Logantown, PA Quadrangle N: 3.6 inches; W: 12.1 inches) in Green Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-260.** Encroachment. **Green Township Supervisors**, Logantown, PA 17747. To maintain an existing single span box beam bridge with a structural length of 38 feet, a clear span of 36 feet and a 15 foot underclearance with a bituminous wearing deck over Fishing Creek and to maintain gravel and debris removal upstream and downstream approximately 50 feet in each direction of the bridge. The project is located on T-352 (Snook Road) approximately 1/2 mile south of the intersection of T-352 and Rt. 880 (Logantown, PA Quadrangle N: 1.5 inches; W: 6.8 inches) in Green Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-374.** Encroachment. **Armstrong School District**, 410 Main Street, Ford City, PA 16226-1698. To construct and maintain a single span bridge having a normal span of 58.0 feet and an underclearance of 8.5 feet across Cowanshannock Creek for the purpose of providing access to the proposed secondary school complex. This permit also authorizes the construction and maintenance of four outfall structures including one 24-inch pipe, one 36-inch pipe and two 30-inch pipes along Cowanshannock Creek. The project is located approximately 200 feet south of the intersection of S. R. 85 and S. R. 839 (Rural Valley, PA Quadrangle N: 8.3 inches; W: 2.3 inches) in Cowanshannock Township, **Armstrong County**.

**E56-283.** Encroachment. **Somerset Housing Development Limited Partnership, Housing Alliance of Indiana County, Inc.**, 104 Philadelphia Street, Indiana, PA 15701. To place and maintain fill in 0.2 acre of wetlands (PEM) for the purpose of constructing apartments for lower income elderly households along an unnamed tributary to East Branch of Coxes Creek (TSF). The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. The project is located at the intersection of Brierwood Drive and Princeton Avenue (Murdock, PA Quadrangle N: 21.5 inches; W: 12.8 inches) in Somerset Borough, **Somerset County**.

**E63-452.** Encroachment. **John Barnyak**, 1885D East Beau Street, Washington, PA 15301. To remove the existing bridge and to construct and maintain a culvert having a span of 8.2 feet with an underclearance of 5.8 feet (depressed 6 inches) in an unnamed tributary to Little Chartiers Creek for the purpose of providing access for trucks to deliver water for property owners. The project is located approximately 900 feet northeast from

the intersection of Davis School Road and S. R. 136 (Washington East, PA Quadrangle N: 10.7 inches; W: 7.5 inches) in South Strabane Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E61-215.** Encroachment. **Pennsylvania Electric Company**, GPU Energy, P. O. Box 16001, Reading, PA 19640-0001. To modify and maintain an existing 34.5 kV aerial electric transmission line across the Allegheny River approximately 350 feet downstream of the Petroleum Street Bridge (Oil City, PA Quadrangle N: 9.8 inches; W: 12.1 inches) located in the City of Oil City, **Venango County**.

#### DAM SAFETY

**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 Clean Streams Law (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)).**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D10-110.** Dam. **Seven Fields Development Company** (2200 Garden Drive, Mars, PA 16046-7846). To construct, operate and maintain a stormwater detention dam located across a tributary to Kaufman Run in the Borough of Seven Fields, **Butler County**. The proposed facility is part of the stormwater management plan and will also be a roadway crossing for the Seven Fields Development north of Route 0228.

**D46-322.** Dam. **West Norriton Township Municipal Authority** (1634 West Marshall Street, Jeffersonville, PA 19403). To modify, operate and maintain the Port Indian Road Pump Station Dam located across a tributary to Indian Creek in West Norriton Township, **Montgomery County**. The proposed modifications will improve access to a proposed sanitary sewage pumping station.

#### ENVIRONMENTAL ASSESSMENT

**Environmental Assessment Approvals and Actions on 401 Certification**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA09-014C0.** Environmental Assessment. **Pickertown Partnership G. P.** (2421 Bristol Road, Warrington, PA 18976). To construct and maintain two nonjurisdictional dams and modify an existing nonjurisdictional dam across tributaries to Mill Creek (TSF, MF) impacting approximately 0.15 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Urwiler tract subdivision located approximately 2,900 feet east of the intersection of Lower State Road and Pickertown Road (Doylestown, PA Quadrangle N: 2.05 inches; W: 5.85 inches) in Warrington Township, **Bucks County**. The Permittee has contributed to the Pennsylvania Wetland Replacement Project as compensatory mitigation for wetland impacts.

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

**EA15-003ASE.** Environmental Assessment. **David Campbell, P.E.**, Sartomer, 610 South Bolmar Street, West Chester, PA 19382. To remove contaminated sediments from portions of an 1.5 acre wetland (PEM/FO) as part of a remediation effort following an accidental spill event. The wetland is situated southwest of the Sartomer Company, Inc. perimeter fence in the 100 year floodplain of Goose Creek, located at 610 Bolmar Street (West Chester, PA Quadrangle N: 15.00 inches; W: 13.00 inches), in West Chester Borough, **Chester County**.

[Pa.B. Doc. No. 98-1560. Filed for public inspection September 25, 1998, 9:00 a.m.]

### Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "July 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

#### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Final Technical Guidance—Substantive Revision*

DEP ID: 362-2207-004 Title: Impact on the Use of Subsurface Disposal Systems on Groundwater Nitrate Nitrogen Levels Description: The purpose of this guidance is to describe the considerations the Department uses for onlot wastewater disposal systems and consideration of the use of denitrifying technologies. Anticipated Effective Date: November 30, 1998 Deadline for Submittal of Comments: October 26, 1998 Contact: John McHale at (717) 783-2290.

#### *Draft Technical Guidance*

DEP ID: 254-2212-504 Title: Guidelines for the Development of County Municipal Waste Management Plan Revisions Description: This policy and procedure will provide updated information which can be used to assist counties in the development of their plans, and for the

review of such plans for submittal to the Department. Anticipated Effective Date: November 30, 1998 Deadline for Submittal of Comments: October 26, 1998 Contact: Sally Lohman at (717) 783-7382.

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 012-0900-001 Title: Policy for Development, Approval and Distribution of Technical Guidance Description: This policy establishes standards for department-wide consistency in developing, approving and distributing technical guidance documents. This process was revised to clarify responsibilities, ease some administrative processes, and improve internal review and approval. Anticipated Effective Date: November 30, 1998 Deadline for Submittal of Comments: October 26, 1998 Contact: Joe Sieber at (717) 783-8727.

DEP ID: 563-2112-222 Title: Coal Surface Mining-Oil and Gas Well Barriers Description: This document specifies procedures and guidelines for reviewing proposals for conducting coal surface mining within 125 feet (38.1 meters) of an oil or gas well. The guidance is being revised to reflect changes to §§ 86.31, 86.32, 86.34, 87.62, 87.93, 88.42 and 88.83 of the coal mining regulations. Anticipated Effective Date: November 30, 1998 Deadline for Submittal of Comments: October 26, 1998 Contact: Nevin Strock (717) 783-8845.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1561. Filed for public inspection September 25, 1998, 9:00 a.m.]

### Coal and Clay Mine Subsidence Insurance Board

A regular meeting of the Coal and Clay Mine Subsidence Board will take place on October 8, 1998 at 10 a.m. in the 5th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Lawrence Ruane at (717) 783-9590 or e-mail to [Ruane.Lawrence@a1.dep.state.pa.us](mailto:Ruane.Lawrence@a1.dep.state.pa.us). The agenda for this meeting will be available through the Public Participation Center on the DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lawrence Ruane directly at (717) 783-9590 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1562. Filed for public inspection September 25, 1998, 9:00 a.m.]

### Watershed Restoration and Assistance Program Grants Application; Instructions Available and Proposals Accepted

The Department of Environmental Protection (Department) announces that application instructions for the 1998 Watershed Restoration and Assistance Program (WRAP) Grants are available and proposals are being accepted through October 30, 1998.

WRAP grants provide incentives and support to communities that develop and undertake small-scale watershed restoration and protection measures, including projects which improve and protect water quality and fix impairment caused by non-point pollution sources. The improvement plans and projects will be locally generated and voluntarily implemented. The funds will be granted directly to local watershed organizations, local governments and conservation districts.

This is primarily a reimbursement program, however, the Department may authorize an initial payment to nonprofit entities who demonstrate the need. Matching funds are not necessarily required. Applications will be accepted in three categories according to the funding requested; from \$100 to \$2,500, from \$2,501 to \$10,000, or from \$10,001 to \$50,000. Applicants for these grants should be a group of people with an interest in a particular watershed which must be wholly or partly contained within the borders of this Commonwealth.

Applicants must be formally organized to be able to receive a grant. Eligible applicants are as follows:

- Incorporated nonprofit watershed associations and conservation organizations.
- Local governments (counties, townships, towns, cities, boroughs, planning commissions, utility authorities or other units of local government).
- Conservation districts.

Other interested parties may form partnerships with an eligible applicant.

Completed applications (proposals) must be received by the Bureau of Watershed Conservation no later than October 30, 1998. Grant awards will be announced on or about December 1, 1998. Applicants having proposals approved should intend to have the project completed by June 30, 1999.

Inquiries concerning this notice or requests for an application instruction packet should be directed to the Department of Environmental Protection, Watershed Restoration and Assistance Program Grants, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5259. To view the WRAP Grant application instructions electronically, access the Pennsylvania homepage at [www.state.pa.us](http://www.state.pa.us) or the DEP website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose Subjects/Water Management/Watersheds).

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1563. Filed for public inspection September 25, 1998, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Cornwall Manor Health Center for Exception to 28 Pa. Code § 203.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Cornwall Manor Health Center has requested an exception to the requirements of 28 Pa. Code § 203.1, referencing the National Fire Protection Association's Life Safety Code, NFPA 101, which requires special locking arrangements to conform to the requirements of section 5-2.1.6. The nursing home is requesting a waiver from the requirement of the Code to

have the locked doors release automatically after 15 seconds of continuous pressure on the release device, as required. The nursing home is installing an Alpha Technology, Inc. Alpha Watch II locking system that allows normal passage to all persons through the locked doors, excepting those residents wearing transponders that lock the doors on approach. The special locking arrangement is proposed to be installed on emergency egress doors and those utilized by visitors to the facility, and certain doors utilized or controlled by staff will be equipped with J. R. Watch (silver) devices that will lock the doors at all times; however, both types of devices will be de-energized during non-emergency conditions by keypads at each door, and during emergency conditions caused by power outages or activation of the fire alarm/smoke detection systems.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Safety Inspection, Room 922, Health & Welfare Building, Harrisburg, PA 17120, (717) 787-1911, fax (717) 787-1491, E-Mail Address: PPETRESK@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Peter P. Petresky at (717) 787-1911, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1564. Filed for public inspection September 25, 1998, 9:00 a.m.]

### Application of Hickory House Nursing Home for Exception to 28 Pa. Code § 203.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Hickory House Nursing Home has requested an exception to the requirements of 28 Pa. Code § 203.1, referencing the National Fire Protection Association's Life Safety Code, NFPA 101 (code), which requires special locking arrangements to conform to the requirements of section 5-2.1.6. The nursing home is requesting a waiver from the requirement of the code to have the locked doors release automatically after 15 seconds of continuous pressure on the release device, as required. The nursing home is installing a "code alert" locking system that allows normal passage to all persons through the locked doors, excepting those residents wearing transponders that lock the door(s) on approach. The special locking arrangement is proposed to be installed on only three doors in the facility, which will be de-energized during non-emergency conditions by keypads at each door, and during emergency conditions caused by power outages or activation of the fire alarm/smoke detection systems.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Safety Inspection, Room 922 Health & Welfare Building, Harrisburg, PA 17120, Telephone (717) 787-1911, Fax (717) 787-1491, E-Mail Address: PPETRESK@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed within this notice.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Peter P. Petresky at (717) 787-1911, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 [TT].

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-1565. Filed for public inspection September 25, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Count De Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Count De Money.

2. *Price:* The price of a Pennsylvania Count De Money instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Count De Money instant lottery game ticket will contain one play area featuring one "Lucky Symbol" area and one "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and "Your Symbols" area are: Spider Symbol (SPIDR), Pumpkin Symbol (PUMKN), Bat Symbol (BAT), Cat Symbol (CAT), Candelabra Symbol (CNLBA), Toad Symbol (TOAD), Skull Symbol (SKULL) and Witch Symbol (WITCH).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Symbols" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$99\$ (NTY NINE), \$131 (HUNTHYONE) and \$1,031 (THOTHYONE).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$99, \$131 and \$1,031. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Count De Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$1,031 (THOTHYONE) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$1,031.

(b) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$131 (HUNTHYONE) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$131.

(c) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$99\$ (NTY NINE) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$99.

(d) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(e) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(g) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

*Match Any Of Your Symbols  
To The Lucky Symbol  
With Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$1	\$1	1:7.50	576,000
\$1 x 2	\$2	1:17.65	244,800
\$2	\$2	1:60	72,000
\$1 x 4	\$4	1:150	28,800
\$5	\$5	1:300	14,400
\$2 + \$5	\$7	1:300	14,400
\$2 x 4	\$8	1:600	7,200

Match Any Of Your Symbols  
To The Lucky Symbol  
With Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 4,320,000 Tickets
\$10	\$10	1:600	7,200
\$5 x 2 + \$2	\$12	1:600	7,200
\$10 + \$1 x 3	\$13	1:150	28,800
\$5 x 4	\$20	1:1,500	2,880
\$5 x 2 + \$10	\$20	1:1,500	2,880
\$10 x 3 + \$1	\$31	1:1,200	3,600
\$10 x 4	\$40	1:3,200	1,350
\$99	\$99	1:8,000	540
\$131	\$131	1:12,000	360
\$1,031	\$1,031	1:120,000	36

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

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

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

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

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 98-1566. Filed for public inspection September 25, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

#### Bucks County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct 14.2 Kilometers (8.9 miles) of four lane limited access highway on new alignment from US 202 south of PA 63 (in Upper and Lower Gwynedd Townships between Upper State Road and Stump Road) to connect with the existing PA 611 bypass and US 202 bypass (in Doylestown Town-

ship); along with improving the capacity and operational efficiency of seven related off-line intersections. Bicycle and pedestrian accommodations in this alternative entail an independent 4.3m (14 foot) wide multi-use bike/pedestrian trail beyond and generally parallel to the north bound lanes. This project will require the acquisition of right-of-way from the Heckler Farmstead, Henry Farmstead, and the McHenry Farmstead, which have all been determined eligible for listing on the National Register of Historic Places. The effect of this project on the Heckler Farmstead, Henry Farmstead, and McHenry Farmstead will be mitigated by the mitigation measures outlined in the Record of Decision and the Final Environmental Impact Statement/ Section 4(f) Evaluation Report that were prepared for this project.

I have considered the environmental, economic, social and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the construction of this section of highway.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 98-1567. Filed for public inspection September 25, 1998, 9:00 a.m.]

### Finding

#### Cambria County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Johns Street Bridge which carries S. R. 3023 (Johns Street) over the Little Conemaugh River in the City of Johnstown, Cambria County. The existing Johns Street Bridge has been determined eligible for listing on the National Register of Historic Places. The effect of this project on the Johns Street Bridge will be mitigated by the mitigation measures outlined in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for the project.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1568. Filed for public inspection September 25, 1998, 9:00 a.m.]

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## Finding

### Clinton County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Mackeyville Bridge, which carries S. R. 2004 (Maple Avenue) over Fishing Creek in the Village of Mackeyville and Lamar Township, Clinton County. The existing Mackeyville Bridge is a contributing element in the National Register eligible Mackeyville Historic District, and the project will require the acquisition of 0.04 hectares (0.099 acres) from the Mackeyville Historic District. The effect of this project on the Mackeyville Historic District will be mitigated by the mitigation measures outlined in the Categorical Exclusion Evaluation/Section 4(f) Evaluation that was prepared for this project. The Section 4(f) Evaluation meets the same requirements as Section 2002 of Pennsylvania Act 120.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1569. Filed for public inspection September 25, 1998, 9:00 a.m.]

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## Notice to Contractors/Engineers

The Department plans to construct an 1,869.5 ft. steel deck truss, including approach spans over the Conrail Railroad and Lehigh River in Northampton County as part of the S. R. 33 Extension Section 001. The cost of the structure is estimated at a cost range of \$20-\$30 million. The contract anticipated bid opening date is March 1999 subject to FHWA Authorization. The Department is permitting a contractor designed concrete alternate bridge structure. Due to the cost and complexity of the bridge design and construction, the Department is making available preliminary design information.

On request to PennDOT District 5-0 Bridge Unit, 1713 Lehigh Street, Allentown, Pennsylvania 18103-4727, (610) 798-4142, bidders may secure copies of the Type Size and Location Report, Foundation Recommendation Report and preliminary unofficial version of the Alternate Bridge Special Provision Part B. The cost for a single copy of this information is \$100.00. Remittance for the Type Size and Location Report, Foundation Recommendation Report and preliminary unofficial version of the Alternate Bridge

Special Provision Part B are to be made payable to the Pennsylvania Department of Transportation and must accompany your request. The information supplied by the Department or its authorized agents is of a preliminary nature and has been developed for the exclusive use of the Department to aid in the project design. Do not consider any of the data supplied or made available to you by the Department or its authorized agent as positive, representations of any of the conditions existing in the field. This information is not a part of the plans, proposal, or contract and is not to be considered a basis for computation of the unit prices used for bidding purposes. No claims will be considered based on any information in Type Size and Location Report, Foundation Recommendation Report and preliminary unofficial version of the Alternate Bridge Special Provision Part B. No refund for Type Size and Location Report, Foundation Recommendation Report and preliminary unofficial version of the Alternate Bridge Special Provision Part B will be made by the Department.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1570. Filed for public inspection September 25, 1998, 9:00 a.m.]

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## Retention of Engineering Firms

### Franklin County Project Reference No. 08430AG2244

The Department of Transportation will retain a consultant firm to provide right-of-way acquisition assistance services for S. R. 0030, Section 016. The project is located in Franklin County, in the Borough of Chambersburg and in Guilford Township on U.S. Route 30 from Chambersburg Borough to Fayetteville, from Segment 0410 offset 1410 to Segment 0490 offset 0600, an approximate length of 3.2 miles. This portion of U.S. 30 is known locally as Lincoln Way East. The project consists of approximately 107 claims including 72 commercial, 29 residential and 6 relocations.

The selected firm will be required to provide the professional right-of-way acquisition assistance services necessary to clear the right-of-way for this project. The required services include, but are not limited to, title searches, negotiations, relocation assistance, declaration of taking, title settlement services, property management and coordination with appraisers selected by the Department. The firm should be large enough and have sufficient personnel to perform these tasks.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating this agreement based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The selected firm will be required to coordinate all work through the Department's designated representative. All acquisition will be accomplished in compliance with Federal and State regulations, including but not limited to the Pennsylvania Eminent Domain Code, the State Highway Law and Pennsylvania Real Estate Law, the Housing Replacement Authorization Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act.



The majority of the work and services will be required within eighteen (18) months from the notice to proceed.

The consultant will be required to provide on-site office space. Lodging for individuals assigned to this project for sixty (60) days or more will be limited to \$790 per month. The allowance could include living space rental, furnishings, basic telephone service and utilities. No subsistence or to/from job mileage will be reimbursed for these individuals. Normal Department mileage/subsistence/lodging rates will apply to individuals assigned to this project for less than sixty (60) days.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Staff experience on similar assignments.
- c. Past performance on similar assignments.
- d. Familiarity with Pennsylvania right-of-way regulations.
- e. Number of staff/titles available to work on project.
- f. Other factors necessary to provide the required services.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Barry G. Hoffman, P.E., District Engineer, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Any technical questions concerning the requirements for this project should be directed to: Mr. Marlin N. Brownawell, District 8-0, at (717) 787-4861.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Dauphin County**  
**Project Reference No. 08430AG2245**

The Department of Transportation will retain an engineering firm to perform preliminary engineering, environmental studies, and final design, for S. R. 3020, Section 001, Union Deposit Road in Lower Paxton Township, Dauphin County. This project includes realignment of an intersection, replacement of an existing structure and safety improvements to approximately 2.3 miles of S. R. 3020 from S. R. 3017 (Rutherford Road) to S. R. 2099 (Nye's Road). The estimated cost of construction is \$1.4 million.

The required services will include: field surveys; plotting of topography and cross-sections; pavement and drainage design; alignment studies; field views; safety review, Step 9 and value engineering submissions and meetings; traffic control plans; foundation design; structure design; erosion and sedimentation pollution control plans and narrative; utility and property involvement investigations; right-of-way plans, including preparations of viewers plans; preparation of environmental studies and documentation; interagency permits; wetland mitigation plans; construction plans, specifications and estimates; a project management plan; quality control plan; and transfer of electronic files.

The following factors, listed in order of importance will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Use of micro-station CADD.
- c. Specialized experience with Department criteria and technical competence of firm.
- d. Development of a Quality Control Plan for this particular project to be submitted to the Department for approval.
- e. Other factors, if any, specific to the project.

The District will announce the three (3) firms that have been shortlisted for further consideration at an open public meeting to be held at Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, at 1:30 P.M. on November 10, 1998, Conference Room "A". Please specify a contact person, phone number and address in your letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Barry G. Hoffman, P.E., District Engineer, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Attention: Michael C. Lapano, Project Manager.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717) 787-7482.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Erie County**  
**Project Reference No. 08430AG2246**

The Department of Transportation will retain an engineering firm to perform final design and provide consultation during construction for S. R. 4034, Section A90 in Harborcreek Township and the City of Erie, Erie County. This project involves the construction of a new four lane, controlled access highway between Interstate 90 and McClelland Avenue a distance of approximately 4,800m. Also included will be the relocation and construction of several existing roads in the project area affected by the new highway. This project is a part of the East Side Access corridor for which the Final Environmental Impact Statement (FEIS) was approved on March 3, 1997. The estimated project construction cost is \$23.0 million.

This section of the East Side Access corridor will span Four-mile Creek and Wintergreen Gorge. The design of the structure to span these natural features will not be a part of this assignment; however, the selected consultant will be required to effectively coordinate and share information as required with the structural designer. The Wintergreen Gorge structure design assignment will be advertised separately.

The selected firm will be required to provide the following engineering and design services for final design; field surveys; right-of-way plan preparation; roadway design; traffic studies; traffic signal design; erosion and sedimentation pollution control plan preparation; wetland replacement sites; pavement marking and signing plan preparation; utility coordination; PUC and railroad coordination.

dination; traffic control plan preparation; coordination with environmental review agencies, the City of Erie, Harborcreek Township, Penn State Erie-The Behrend Campus, the area public and the Department; soils and geological investigations; noise studies and analysis and preparation of final construction drawings, specifications and cost estimates. All final designs must be in accordance with the mitigation summary that is a part of the FEIS.

Consultation during construction will consist of alternate design review and shop drawing review.

Firms that are under contract, or are being considered, to provide engineering services to a land developer or local municipality for a site that is along the project corridor will not be considered for this assignment. Firms are to state in their letter of interest that they are not under contract nor are being considered for a contract with a land developer or local municipality with interests in the project area.

Letters of interest will be evaluated at the Engineering District 1-0 office with emphasis on the following factors:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Proven ability to meet project schedules and control costs.
- c. Experience and competence of project manager and key personnel.
- d. Innovations and flexibility in thinking, particularly with respect to the needs of the local community.
- e. Past performance record on similar projects.
- f. Past performance record of listed subconsultants.
- g. Availability of listed staff.
- h. Current workload.

In addition to the limits stated in the General Requirements and Information section following the advertised project(s), the following requirements shall apply to Letters of Interest submitted for this project reference number:

1. Standard Form 255, Item No. 7 - No more than ten (10) total pages of resumes, one-sided.
2. Standard Form 255, Item No. 8 - No more than eight (8) project descriptions are to be included.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. John L. Baker, P.E., District Engineer, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323, Attention: Mr. Michael L. McMullen, P.E.

Engineering District 1-0 will announce the firms that have been shortlisted at an open, public meeting to be held in the District office. All firms that have submitted a letter of interest will be notified of the time and date. Specify two (2) contact persons in the letter of interest.

Any technical questions concerning the requirements for this project should be directed to: Mr. William G.

Petit, P.E., District 1-0, at (814) 437-4270 or Mr. Michael L. McMullen, P.E., District 1-0, at (814) 437-4331.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Union County  
Project Reference No. 08430AG2247**

The Department of Transportation will retain an engineering firm to perform preliminary engineering, environmental studies, final design and engineering services during construction for S. R. 0204, Section 004, the replacement of the bridge over Penns Creek and roadway approaches, in the Village of New Berlin, in Union County.

The project consists of the replacement of the existing 4-span open steel deck I-beam bridge at an existing length of 242 feet, with a new multi-span bridge structure. Construction will also include any needed approach work. Estimated construction cost is \$2.7 million.

The required services for this project will include field surveys; environmental studies to include wetlands, mitigation, groundwater resources investigation, determination of effects report, Par/Isa, CEE, agency coordination, archeology, historic survey and agricultural lands; utilities; horizontal and vertical geometry; geological studies; core borings; type size and location; drainage; preliminary field view; safety review; line, grade and typical section; erosion and sedimentation control plan; hydrologic and hydraulic report; waterway encroachment permit; preliminary right-of-way plan; maintenance and protection of traffic during construction plan; public involvement; Step 9; foundation design; and construction plans, specifications and estimate. Work also included will be construction consultation and shop drawing review. The project will be performed in metric units.

The Department will establish an order of ranking of a minimum of three (3) firms. The following factors, listed in order of importance, will be considered during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. How the required work tasks will be accomplished and how the required services will be performed.
- c. Specialized experience, previous experience, technical competence of individuals who constitute the firm. Of particular importance are the key people assigned to the project and their ability to provide innovative solutions to complex problems.
- d. Past record of performance with respect to cost control, work quality, ability to meet schedules and ability to work with accelerated schedules.
- e. Current workload and capacity of firm to perform work.
- f. Listing of subconsultants.
- g. Location of office to perform work.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for November 13, 1998 at 10:00 A.M. at Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754. All candidates that submitted a letter of interest will be notified if the date is changed. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. Wayne F. Frey, P.E., District 3-0, at (717) 368-4328.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060. Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation

Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do *not* include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise

(WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1571. Filed for public inspection September 25, 1998, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Montenay Montgomery Limited Partnership v. DEP; EHB Doc. No. 97-180-C

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department) and Montenay Montgomery Limited Partnership (MMLP) have agreed to a settlement of the above matter. The Commonwealth had issued a Plan Approval, PA-46-0010, on July 29, 1997, authorizing MMLP to process Form S waste types at its municipal waste incinerator located in Plymouth Township, Montgomery County, PA, (facility) and to install selective noncatalytic reduction equipment. MMLP filed a timely appeal of the Plan Approval.

The parties have agreed to a settlement, the major provisions of which include: MMLP may operate its facility in compliance with the temperature limitation at the inlet to the baghouse set forth in 40 CFR 60.34b, which temperature may exceed 300 degrees Fahrenheit; MMLP shall install a carbon injection system or an equivalent mercury control system or technique; and MMLP shall pay a civil penalty for past violations.

Copies of the full Consent Order and Adjudication are in the hands of: Eli Brill, Dechert Price & Rhoads, 4000 Bell Atlantic Tower, 1717 Arch Street, Philadelphia, PA 19103-2793; and Douglas G. White, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park, 555 E. North Lane, Suite 6015, Conshohocken, PA 19428-2233, (610) 632-6300 and at the office of the Environmental Hearing Board and may be reviewed by an interested party on request during normal business hours.

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

Appeals must be filed within 20 days of this publication.

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

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 98-1572. Filed for public inspection September 25, 1998, 9:00 a.m.]

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## FISH AND BOAT COMMISSION

### Domestic Water Supply Reservoirs

The Fish and Boat Commission (Commission) has entered into agreements with certain owners of domestic

water supply reservoirs. The Commission's regulation at 58 Pa. Code § 53.13 (relating to domestic water supply reservoirs) provides that except as otherwise provided therein, domestic water supply reservoirs subject to an agreement between the owners thereof and the Commission are subject to the Commission's property regulations and other general fishing and boating regulations. This regulation further provides that when the agreement between the Commission and the owners of a domestic water supply reservoir specifies additional, alternative or different restrictions or conditions and the Executive Director, on behalf of the Commission, approves the conditions or restrictions for posting at the site and enforcement, the posted conditions or restrictions are fully enforceable when posted at the site. It is unlawful to violate conditions, restrictions or prohibitions posted by the Commission at the site of a domestic water supply reservoir with which the Commission has an agreement.

Notice is hereby given that the following specific restrictions are in effect and posted at the site.

	Electric Motors Only	All Boating Prohibited	Hand Powered Boating Only	Ice Fishing Prohibited	Ice Skating Prohibited	Wading Prohibited	Hunting Prohibited	Area Closed 9 p.m.—5 a.m.	Overnight Mooring of Boats Prohibited	Possession or Consumption of Alcoholic Beverages Prohibited
Birch Run Reservoir, Adams County		X		X	X	X				
Long Pine Reservoir, Adams County	X				X	X		X		
Ebensburg Reservoir, Cambria County		X		X						
Middletown Reservoir, Dauphin County			X		X	X*				
Laurel Run Reservoir, Elk County		X								
Eaton Reservoir, Erie County	X					X				
Waynesboro Reservoir, Adams County		X						X		
Letterkenny Reservoir, Franklin County	X				X		X			
Laurel Cr. Reservoir, Mifflin County		X		X						
Union City Authority Reservoir, Erie County						X*			X	
Wisecarver Reservoir, Greene County		X			X	X*				

	Electric Motors Only	All Boating Prohibited	Hand Powered Boating Only	Ice Fishing Prohibited	Ice Skating Prohibited	Wading Prohibited	Hunting Prohibited	Area Closed 9 p.m.—5 a.m.	Overnight Mooring of Boats Prohibited	Possession or Consumption of Alcoholic Beverages Prohibited
Lawrence B. Sheppard Reservoir, York County	X				X	X		X		
Sheppard Myers Reservoir, York County		X			X	X		X		
Gordon Reservoir, Bedford County	X**				X					
Koon Reservoir, Bedford County	X**				X					
Ceasetown Reservoir, Luzerne County		X		X	X	X		X		X

NOTES: \* Wading with hip boots is permitted.

\*\* The following are prohibited: sailboats; the use and possession of internal combustion engines; and boats exceeding 18 feet in length. Inflatable boats must exceed 7 feet in length and be constructed of durable corded fabric reinforced with cloth and coated and have at least two separate buoyance/air chambers, excluding inflatable flooring or bottom.

PETER A. COLANGELO,  
*Executive Director*

## FISH AND BOAT COMMISSION

### Special Designations

The Executive Director, acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use areas), designates a section of Little Muddy Run, Clearfield County, from the spillway to the Janesville Dam to Township Route 919, a distance of approximately 300 feet, as being for the exclusive use of children 12 and under. The Executive Director also designates a section of Pine Creek in Valley View, Schuylkill County, 250 yards from the Gap Street Bridge west to the waterfalls below the nursery for the exclusive use of children 12 and under and special populations. This stream section previously had been designated as being for the exclusive use of children 12 and under only.

Notice is further given that the Executive Director, acting under the authority of 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), hereby designates a section of the East Branch of the Clarion River where the East and West Branch meet to form the Clarion upstream to the Venners Island Bridge (approximately 1/4 mile) as a nursery water to which the penalties of section 2106 of the Fish and Boat Code (30 Pa.C.S. § 2206) (relating to fishing in hatchery or nursery waters), applies.

All of these designations shall be effective when the waters are so posted after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 98-1574. Filed for public inspection September 25, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, September 10, 1998, and took the following actions:

#### *Regulations Approved:*

Pennsylvania Liquor Control Board #54-53: Promotion (amends 40 Pa. Code §§ 13.1 and 13.51)

Environmental Quality Board #7-329: Radiological Health (amends 25 Pa. Code Chapters 216, 218, 221, 223, 227 and 228)

Department of Community and Economic Development #4-68: Neighborhood Assistance Program (amends 12 Pa. Code Chapter 135)

Department of Labor & Industry #12-49: Workers' Compensation Self-Insurance (amends 34 Pa. Code Chapter 125)

Department of Health #10-152: Drugs Which May Be Used By Qualified Optometrists (amends 28 Pa. Code Chapter 6)

*Regulations deemed approved under Section 5 (g) of the Regulatory Review Act—Effective September 10, 1998.*

Pennsylvania Liquor Control Board #54-54: Wine in Kegs; Sale by Limited Winery Licensees (amends 40 Pa. Code §§ 11.104 and 11.111)

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
September 10, 1998

*Pennsylvania Liquor Control Board—Promotion; Regulation No. 54-53*

### Order

On January 16, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code §§ 13.1 and 13.51. The authority for this regulation is found in section 207(i) of the Pennsylvania Liquor Code (47 P. S. § 2-207(i)). The proposed regulation was published in the January 31, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 7, 1998.

The regulation permits Pennsylvania manufacturers and licensees to accept things of value that fall under the definition of "routine business entertainment." "Routine business entertainment" includes meals, beverages and tickets or passes to concerts, theaters, arts, sporting or charitable events. The value of routine business entertainment is limited to \$800 per year per recipient. The donor of routine business entertainment is required to accompany the recipient.

We have reviewed this regulation and find it to be in the public interest. The regulation allows flexibility for manufacturers and licensees in providing routine business entertainment while also guarding against undue influence through the implementation of reasonable restrictions.

*Therefore, It Is Ordered That:*

1. Regulation No. 54-53 from the Pennsylvania Liquor Control Board, as submitted to the Commission on August 7, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
September 10, 1998

*Environmental Quality Board—Radiological Health; Regulation No. 7-329*

### Order

On October 16, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 216, 218, 221, 223, 227 and 228. The authority for this regulation is the Radiation Protection Act (35 P. S. § 7110.101, et seq.) and Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). The proposed regulation was pub-



lished in the November 1, 1997 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on August 11, 1998.

The amendments update existing regulations by increasing protection to workers and patients for medical diagnosis and treatment applications, including reduction of unnecessary radiation exposure. The regulation also incorporates technological advances that have occurred since the existing regulations were drafted in the early 1980's.

We have reviewed this regulation and find it to be in the public interest. By addressing health and safety concerns, the updated regulation will ensure a reduction in unnecessary radiation exposure for both patients and the workers.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-329 from the Environmental Quality Board, as submitted to the Commission on August 11, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
September 10, 1998

*Department of Community and Economic Development  
Neighborhood Assistance Program; Regulation No. 4-68*

#### Order

On August 12, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Community and Economic Development (Department). This rulemaking amends 12 Pa. Code Chapter 135. The authority for this regulation is contained in section 8905A of the Neighborhood Assistance Act (act) (72 P. S. § 8905-A). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Under the act, the Department is required to promulgate regulations, in the first month of the fiscal year, which establish special program priorities. With this final-omitted rulemaking, the Department is simply changing the fiscal year from 1996-97 to 1997-98 in the sections of its regulations relating to the special program priorities. The special program priorities remain unchanged.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary to reflect the special program priorities in the Neighborhood Assistance Act for fiscal year 1997-98.

*Therefore, It Is Ordered That:*

1. Regulation No. 4-68 from the Department of Community and Economic Development, as submitted to the Commission on August 12, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
September 10, 1998

*Department of Labor and Industry—Workers' Compensation Self-Insurance; Regulation No. 12-49*

#### Order

On November 7, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 125. The authority for this regulation is section 435 of the Workers' Compensation Act (77 P. S. § 991). The proposed regulation was published in the November 22, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 18, 1998.

The proposal includes amendments to conform with Act 57 of 1996 (Act 57). Those changes include: expanding the 5% Safety Committee discount from 1 year to 5 years; revising security requirements for letters of credits from banks; excluding political subdivisions and the Commonwealth from security requirements; and authorizing a single board to oversee the operation of several funds. Amendments unrelated to Act 57 revise requirements for group self-insurance funds to allow contributions based on each fund's loss cost multiplier instead of the State Workers' Insurance Fund rate. Amendments which impact individual self-insured employers include revisions in security requirements and discounting of the required amount in specific cases.

We have reviewed this regulation and find it to be in the public interest. The Department's regulations will now be consistent with Act 57. Smaller banks may benefit from the rating changes for letters of credit. Revisions to security requirements ensure that self-insured employers vulnerable to dramatic increases have posted additional security. Self-insurers in a strong financial condition may benefit from discounting provisions.

*Therefore, It Is Ordered That:*

1. Regulation No. 12-49 from the Department of Labor and Industry, as submitted to the Commission on August 18, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
September 10, 1998

*Department of Health—Drugs Which May Be Used By  
Qualified Optometrists; Regulation No. 10-152*

#### Order

On January 21, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health. This rulemaking amends 28 Pa. Code Chapter 6. The authority for this regulation is section 2 of the Optometry Practice and Licensure Act (63 P. S. § 244.2). The proposed regulation was published in the January 31, 1998 *Pennsylvania*

*Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 10, 1998.

The proposal expands the list of drugs which qualified optometrists may administer and prescribe to conform to Act 130 of 1996 (Act 130). Act 130 changed the definition of the "practice of optometry" to allow certified optometrists to administer and prescribe certain legend and nonlegend drugs. Act 130 authorized the Secretary of Health to approve drugs for treatment of specific areas of the eye.

The regulation also contains activities prohibited in Act 130. Prohibitions include: treatment beyond 6 weeks without consultation with a physician; prescription for some systemic conditions; treatment for glaucoma; and administration or prescription of a Schedule I or II controlled substance.

Senator Jeffrey E. Piccola, prime sponsor of Act 130, submitted a letter in support of the regulation.

We have reviewed this regulation and find it to be in the public interest. The proposal is consistent with the provisions of Act 130. In some instances, patients will have flexibility in choosing a provider for initial eye care. Depending on the choices made by patients, there may be an impact on the practice of ophthalmologists as well as optometrists.

*Therefore, It Is Ordered That:*

1. Regulation No. 10-152 from the Department of Health, as submitted to the Commission on August 10, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
September 10, 1998

*Pennsylvania Liquor Control Board—Wine in Kegs; Sale by Limited Winery Licensees; Regulation No. 54-54*

### Order

On May 11, 1998, the Independent Regulatory Review Commission (Commission) received the proposed version of this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking would amend 40 Pa. Code §§ 11.104 and 11.111 to allow the Board and limited wineries to sell sparkling grape wine in glass containers larger than 5 liters. The authority for this regulation is 47 P. S. § 2-207(i). The proposed version of this regulation was published in the June 6, 1998 *Pennsylvania Bulletin* with a 30-day public comment period.

The final-form version of this regulation was submitted to the Commission on August 20, 1998. The final-form version of this regulation contains no changes from the initially proposed version. We did not file any comments on the proposed version of this regulation. Furthermore, we did not receive any negative recommendations on the final-form version of this regulation from the House Liquor Control Committee or the Senate Law and Justice Committee.

*Therefore:*

The Commission will notify the Legislative Reference Bureau that Regulation No. 54-54 from the Pennsylvania

Liquor Control Board, as submitted to the Commission on August 20, 1998, was deemed approved under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) on September 10, 1998.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-1575. Filed for public inspection September 25, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Acquisition of Control of Three Domestic Stock Casualty Insurance Companies

Kingsway Financial Services, Inc., a Canadian Company, has filed an application whereby it proposes to merge its wholly-owned subsidiary, Kingsway America, an Illinois Corporation, with and into Walshire Assurance Company, which will result in the acquisition of control of Lincoln General Insurance Company, Yorktowne Insurance Company and Comp America Insurance Company. The filing was made under the requirements set forth under the Insurance Holding Company Act, 40 P. S. § 991.1402 *et. seq.* Persons wishing to comment on the proposed acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Pennsylvania Insurance Department of the exact basis of the statement. Written statements should be directed to Michael Graeff, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; FAX (717) 787-8557; email <http://www.mgraeff@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1576. Filed for public inspection September 25, 1998, 9:00 a.m.]

### Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield; Filing Nos. 362-BC-SEC-65-NG-DE-1/99, 361-MMNGC-DE-1/99, 1-DPCM-98-HI and 1-SCMS-98-HI; Rate Hearing for Non-Group Major Medical and Special Care Programs and Medicare Supplement/Security 65 Programs Plans A, B, C and H

Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield have requested approval to increase the premium rates for the above listed filings. The requested premium rate increases vary by filing. These filings were previously published for public comment in the *Pennsylvania Bulletin*. See 28 Pa.B. 3563 (July 25, 1998), 28 Pa.B. 3724 (August 1, 1998), 28 Pa.B. 3858 (August 8, 1998) and 28 Pa.B. 4217 (August 22, 1998).

A public informational hearing on these rate filings has been scheduled for:

*Date:* Wednesday October 14, 1998

*Time:* 10 a.m.

*Location:* Genetti's Hotel and Convention Center, Princess Room, 77 East Market Street, Wilkes-Barre, PA

Persons wishing to testify about these filings may contact the Office of Rate and Policy Regulation at the address and phone number within this notice to schedule to testify at this hearing. Individuals may also appear at the hearing without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to no more than a 10 minute presentation. The Department requests that individuals provide a written copy of their testimony the day of the hearing.

Copies of the filings are available for public inspection, by appointment, during normal business hours at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions and objections about these filings to: NEPA Rate Hearing, Insurance Department, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, or e-mail to: rateform@ins.state.pa.us, by October 21, 1998.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1577. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield; Filing Nos. 98-P, 98-Q, 98-R, 98-S, 1-DPCM-98-HI and 1-SCMS-98-HI; Rate Hearing for Non-Group Basic, Major Medical and Special Care Programs and Medicare Supplement/Security 65 Programs Plans B, C and H**

Capital Blue Cross and Pennsylvania Blue Shield have requested approval to increase the premium rates for the above listed filings. The requested premium rate increases vary by filing. These filings were previously published for public comment in the *Pennsylvania Bulletin*. See 28 Pa.B. 3563 (July 25, 1998), 28 Pa.B. 3724 (August 1, 1998), 28 Pa.B. 4217 (August 22, 1998) and 28 Pa.B. 4684 (September 12, 1998).

A public informational hearing on these rate filings has been scheduled for:

*Date:* Thursday October 8, 1998

*Time:* 10 a.m.

*Location:* Ramada Inn on Market Square, 2nd and Chestnut Street, Harrisburg, PA

Anyone wishing to testify about these filings may contact the Office of Rate and Policy Regulation at the address and phone number within this notice to schedule to testify at this hearing. Individuals may also appear at the hearing without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to no more than a 10 minute presentation. The Department requests that individuals provide a written copy of their testimony the day of the hearing.

Copies of the filings are available for public inspection, by appointment, during normal business hours at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions and objections about these filings to: CBC Rate Hearing, Insurance Department, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717)787-4192, or e-mail to: rateform@ins.state.pa.us, by October 15, 1998.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1578. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Filing Nos. 2-65P-98-HBCBS, 1-65S-98-HBCBS, 1-DPCM-98-HI, 1-SCMS-98-HI and 1-CCP-98-HBCBS; Rate Hearing for Comprehensive Major Medical and Special Care Programs and Medicare Supplement/Security 65 Programs Plans A, B, C and H and 65 Plus I**

Highmark Blue Cross Blue Shield has requested approval to increase the premium rates for the above listed filings. The requested premium rate increases vary by filing. These filings were previously published for public comment in the *Pennsylvania Bulletin*. See 28 Pa.B. 3563-3564 (July 25, 1998) and 28 Pa.B. 3724 (August 1, 1998).

A public informational hearing on these rate filings has been scheduled for:

*Date:* Tuesday, October 6, 1998

*Time:* 10 a.m.

*Location:* The Westin William Penn, 530 William Penn Place, Smithfield and 6th Streets, Pittsburgh, PA

Anyone wishing to testify about these filings may contact the Office of Rate and Policy Regulation at the address and phone number within this notice to schedule to testify at this hearing. Individuals may also appear at the hearing without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to no more than a 10 minute presentation. The Department requests that individuals provide a written copy of their testimony the day of the hearing.

Copies of the filings are available for public inspection, by appointment, during normal business hours at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions and objections about these filings to: Highmark Rate Hearing, Insurance Department, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, or e-mail to: rateform@ins.state.pa.us, by October 13, 1998.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1579. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Independence Blue Cross and Pennsylvania Blue Shield; Filing Nos. 10-P-98, 11-P-98, 12-P-98, 1-DPCM-98-HI and 1-SCMS-98-HI; Rate Hearing for Non-Group Basic/Special Care and Major Medical Programs and Medicare Supplement/Security 65 Programs Plans A, B, C and H**

Independence Blue Cross and Pennsylvania Blue Shield have requested approval to increase the premium rates for the above listed filings. The requested premium rate increases vary by filing. These filings were previously published for public comment in the *Pennsylvania Bulletin*. See 28 Pa.B. 3563 (July 25, 1998), 28 Pa.B. 3724 (August 1, 1998), and 28 Pa.B. 4217-4218 (August 22, 1998).

A public informational hearing on these rate filings has been scheduled for:

*Date:* Thursday, October 15, 1998

*Time:* 10 a.m.

*Location:* The Crowne Plaza - Philadelphia Center City, Constitution Room (2nd floor), 1800 Market Street, Philadelphia, PA

Anyone wishing to testify about these filings may contact the Office of Rate and Policy Regulation at the address and phone number within this notice to schedule to testify at this hearing. Individuals may also appear at the hearing without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to no more than a 10 minute presentation. The Department requests that individuals provide a written copy of their testimony the day of the hearing.

Copies of the filings are available for public inspection, by appointment, during normal business hours at the Insurance Department's offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions and objections about these filings to: IBC Rate Hearing, Insurance Department, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, or e-mail to: rateform@in.state.pa.us, by October 22, 1998.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1580. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insured has requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with his company's termination of the insured's automobile policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Joseph R. Sarnitsky; file no. 98-193-04463; Pennsylvania National Insurance Co.; doc. no. P98-08-009; October 14, 1998, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1581. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Travelers Group; Private Passenger Automobile Rate Filing**

On September 14, 1998, the Insurance Department received a private passenger automobile rate filing from the Travelers Group.

Travelers proposed to increase rates by 2.0% for The Standard Fire Insurance Company and decrease rates by 3.8% for The Travelers Indemnity Company effective December 31, 1998.

Unless formal administrative action is taken prior to November 13, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mikeb@ins.state.pa.us) within 30

days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-1582. Filed for public inspection September 25, 1998, 9:00 a.m.]

**PENNSYLVANIA  
INDUSTRIAL  
DEVELOPMENT  
AUTHORITY**

**Participation and Interest Rates**

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the adoption of PIDA participation and interest rates for loans approved by the PIDA Board of Directors. The rates, which were adopted by the PIDA Board of Directors at its meeting held July 1, 1998, are effective as of that date and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow as Annex A.

The PIDA Board retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
*Chairperson*

**Annex A**

**PIDA**

**PARTICIPATION AND INTEREST RATES  
FOR COUNTIES AND MUNICIPALITIES\*  
OVER 25,000 POPULATION**

Effective July 1998 through June 1999

	Maximum PIDA Participation			Interest Rate** %
	(S)	%	(L)	
ADAMS	40 ***		30 ****	6.75
ALLEGHENY	40 ***		30****	6.75
McKeesport City	40		30****	3.75
Pittsburgh City	40 ***		30****	5.25
ARMSTRONG	40		40 ***	3.75
BEAVER	40 ***		40 ***	5.25
BEDFORD	40		40 ***	3.75
BERKS	40 ***		40 ***	6.75
Reading City	40		40 ***	5.25
BLAIR	40 ***		40 ***	5.25
Altoona City	40		40 ***	5.25
BRADFORD	40 ***		40 ***	5.25
BUCKS	40 ***		40 ***	6.75
Bensalem Twp.	40 ***		40 ***	5.25
Bristol Twp.	40 ***		40 ***	5.25
BUTLER	40 ***		40 ***	5.25
CAMBRIA	40		40	3.75
CAMERON	40		40 ***	3.75
CARBON	40		40 ***	3.75
CENTRE	30****		30****	6.75
CHESTER	30****		30****	6.75
CLARION	40		40 ***	5.25
CLEARFIELD	40		40	3.75
CLINTON	40		40 ***	3.75
COLUMBIA	40		40 ***	3.75
CRAWFORD	40 ***		40 ***	5.25
CUMBERLAND	30****		30****	6.75
DAUPHIN	30****		30****	6.75
Harrisburg	40 ***		30****	5.25
DELAWARE	40 ***		30****	6.75
Chester City	40		40	3.75
ELK	40		40 ***	5.25
ERIE	40 ***		40 ***	5.25
Erie City	40		40 ***	3.75
FAYETTE	40		40	3.75
FOREST	40		40	3.75
FRANKLIN	40 ***		30****	5.25
FULTON	40		40 ***	3.75
GREENE	40		40	3.75
HUNTINGDON	40		40	3.75
INDIANA	40		40	3.75
JEFFERSON	40		40 ***	3.75
JUNIATA	40		40	3.75
LACKAWANNA	40		40 ***	3.75
LANCASTER	30****		30****	6.75
Lancaster City	40 ***		30****	5.25
LAWRENCE	40		40 ***	5.25
New Castle City	40		40 ***	3.75

	Maximum PIDA Participation			Interest Rate** %		Maximum PIDA Participation			Interest Rate** %
	(S)	%	(L)			(S)	%	(L)	
LEBANON	30****		30****	6.75	WESTMORELAND	40 ***		40 ***	5.25
Lebanon City	40 ***		30****	6.75	WYOMING	40		40	3.75
LEHIGH	40 ***		40 ***	6.75	YORK	40 ***		30****	6.75
Allentown City	40		40 ***	5.25	York City	40		30****	3.75
Bethlehem City	40 ***		40 ***	5.25					
LUZERNE	40		40 ***	3.75					
Wilkes-Barre City	40		40	3.75					
LYCOMING	40		40 ***	5.25					
Williamsport City	40		40 ***	3.75					
McKEAN	40		40 ***	5.25					
MERCER	40 ***		40 ***	5.25					
MIFFLIN	40		40 ***	3.75					
MONROE	40		40 ***	3.75					
MONTGOMERY	30****		30****	6.75					
Norrstown Boro	40 ***		30****	5.25					
Upper Dublin Twp.	40 ***		30****	6.75					
MONTOUR	40 ***		30****	6.75					
NORTHAMPTON	40 ***		40 ***	5.25					
NORTHUMBERLAND	40		40 ***	3.75					
PERRY	30****		30****	6.75					
PHILADELPHIA	40		40 ***	3.75					
PIKE	40 ***		40 ***	5.25					
POTTER	40		40 ***	3.75					
SCHUYLKILL	40		40 ***	3.75					
SNYDER	40 ***		40 ***	5.25					
SOMERSET	40		40 ***	3.75					
SULLIVAN	40		40 ***	3.75					
SUSQUEHANNA	40		40 ***	3.75					
TIOGA	40		40 ***	3.75					
UNION	40 ***		40 ***	6.75					
VENANGO	40		40 ***	3.75					
WARREN	40 ***		40 ***	5.25					
WASHINGTON	40 ***		40 ***	5.25					
WAYNE	40		40	3.75					

\* Municipalities are listed only if PIDA rate differs from County rate.  
 \*\* Based on calendar year 1997 unemployment rate. Subject to change at discretion of PIDA Board.  
 (S) Small Business (Less than 50 existing employees, including parent, subsidiaries and affiliates.)  
 (L) Large Business.

*Special Note:* Projects located in designated enterprise zones, planning stage enterprise zones, financially distressed municipalities under Act 47 (over), Federal empowerment zones, Federal enterprise communities and brownfield sites will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate 1% less than the area rate with a floor of 3.75%

\*\*\* 10% Equity required  
 \*\*\*\* 20% Equity required

*Financially Distressed Municipalities Under Act 47\**

Aliquippa City Beaver County	Franklin Borough Cambria County
Braddock Borough Allegheny County	Homestead Borough Allegheny County
Chester City Delaware County	Johnstown City Cambria County
Clairton City Allegheny County	Millbourne Borough Delaware County
Duquesne City Allegheny County	North Braddock Borough Allegheny County
East Pittsburgh Borough Allegheny County	Rankin Borough Allegheny County
Farrell City Mercer County	Scranton City Lackawanna County
	Wilksburg Borough Allegheny County

*Federal Empowerment Zones \**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities \**

Portions of Harrisburg, Dauphin County  
 Portions of Lock Haven, Clinton County

\*Eligible for 3.75% Interest Rate

[Pa.B. Doc. No. 98-1583. Filed for public inspection September 25, 1998, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Railroad With Hearing

**I-00980077. Consolidated Rail Corporation.** Investigation upon the Commission's own motion into matters pertaining to the proper service, accommodation, convenience and safety of the traveling public using the bridge carrying Ridge Pike (AAR 532 108 D) over and above the tracks of Consolidated Rail Corporation in Plymouth Township, Montgomery County.

An initial hearing on this matter will be held Wednesday, November 4, 1998, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1584. Filed for public inspection September 25, 1998, 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 19, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### **Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115269.** Application of **Willow Street Fire Company, Inc.**, a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier by motor vehicle, persons in paratransit service, between points in Lancaster County, and from points in said county, to points in Pennsylvania, and return; service to be provided in vans, which are both wheelchair and ambulance lifter capable, equipped with a wheelchair lift. Application for temporary authority has been filed at A-00115269, seeking the rights cited above.

#### **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 13, 1998.

- A-00115303 Jenkins Trucking & Sons, Inc.  
Rt. 2 Box 263 Ralph Livengood Rd.,  
Albright, WV 26519
- A-00115302 Randall D. Snyder, t/a Randall Snyder  
Trucking  
P. O. Box 9, Dawson, PA 15428
- A-00115301 Ronald G. Wright  
3079 Kehr Hill Road,  
Montoursville, PA 17754
- A-00114915 F.2 Marc R. Finkle, t/a Finkle  
Transportation  
128 Willow Lane, Patton, PA 16668
- A-00115300 William B. Means, t/a Means Brothers  
P. O. Box 131, Punxsutawney, PA  
15767
- A-00114789 F.2 Scott Allen Eimerbrink  
Box 304-A, R. R. 1, Port Royal, PA  
17082

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. D & T Limousine Service,  
Inc.; Doc. No. A-00109546C98 F.3*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That D & T Limousine Service, Inc., respondent, maintains its principal place of business at 12720 Bellaire Avenue, Cleveland, Ohio 44135.
2. That respondent was issued a certificate of public convenience by this Commission on September 21, 1994, at Application Docket No. A-00109546.
3. That respondent, on April 10, 1998, at approximately 11:00 a.m., at Route 120 Chapman Township, Clinton County, Pennsylvania, permitted a certain 1995 Dodge truck bearing Ohio License No. QTJ372, Vehicle Identification No. B4HB15X0SK532114, to be operated.
4. That the vehicle described in Paragraph 3 of this complaint was inspected by Enforcement Officer Leonard J. Coval, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 3 and the following violations were disclosed:
  - (a) Vehicle failed to display a currently valid and legible certificate of inspection.
  - (b) Horn inoperative.
5. That respondent, on April 10, 1998, at approximately 11:30 a.m., at Route 120, Chapman Township, Clinton County, Pennsylvania, permitted a certain 1995 Dodge truck bearing Ohio License No. SOC586, Vehicle Identification No. 2B4HB15X5SK578506, to be operated.
6. That the vehicle described in Paragraph 5 of this complaint was inspected by Enforcement Officer Leonard

J. Coval, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 5 and the following violations were disclosed:

(a) Vehicle failed to display a currently valid and legible certificate of inspection.

(b) Odometer inoperative.

7. That respondent, by failing to have an operative horn in its vehicle while in operation, violated 52 Pa. Code § 29.402(1), 67 Pa. Code §§ 175.76, 175.80(b)(3), and 75 Pa.C.S. § 4535 and, by failing to maintain safe and reasonable facilities for the proper safety of its patrons and public, violated 66 Pa.C.S. § 1501.

8. That respondent, by displaying a certificate of inspection issued for another vehicle, violated 67 Pa. Code §§ 175.41 and 175.45 and 75 Pa.C.S. § 4703.

9. That respondent, by failing to have a properly calibrated odometer in its vehicle, violated 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.74.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine D & T Limousine Service, Inc. the sum of seven hundred dollars (\$700.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
George T. Mahan

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified

check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1585. Filed for public inspection September 25, 1998, 9:00 a.m.]

**Solicitation of Public Comment Regarding Reporting Guidelines for Biennial Updates of Network Modernization Plans under Chapter 30 of the Public Utility Code; Doc. No. M-00930441**

On August 27, 1998, the Commission adopted a motion which reopened the docket in *Re Implementation of Chapter 30 of the Public Utility Code*, Docket No. M-00930441, to receive comments from interested parties to assist in developing reporting guidelines for use by all companies required to file biennial updates of their Network Modernization Plans under section 3003(b)(6) of the Public Utility Code.

By order entered August 27, 1993, in this docket, the Commission provided guidance with respect to what information should be included in a company's Network Modernization Plan. Since this original order, and especially since enactment of Chapter 30 of the Public Utility Code, the telecommunications industry has experienced substantial technological, market and legislative changes. These changes have had a major impact on how telecommunications carriers intend to and will carry out their responsibilities to modernize their networks under Chapter 30. For example, the Federal Telecommunications Act of 1996 has impacted how incumbent local exchange carriers will meet their interconnection responsibilities and how they will offer unbundled network elements to new entrants. Similarly, in light of evolving technology, the Commission needs to examine closely how to define "broadband" availability and to determine how a company's Network Modernization Plan accelerates deployment of a universally-available, state-of-the-art, interactive, public-switched broadband telecommunications network.

Further, in previous updates to Bell Atlantic-Pennsylvania, Inc.'s Network Modernization Plans, the Commission has requested the following information: (1) detail on the location for upgrades in switches, the location for the placement of fiber access lines, and other upgrades or expansions; (2) statement of actual and projected investment to build the modified network; (3) description of network architecture; (4) projection of deployment schedule; (5) statement of progress toward



universal broadband capability as measured in percentages referenced to access lines in urban, suburban and rural categories, as well as percentages referenced to total access lines; and (6) detail on broadband deployment, including use of consistent school listings. Based again on evolving technology and market forces, the Commission feels that it must develop parameters for reporting so that it is able to fairly and consistently evaluate what is provided by each company. For example, if, in addition to the information it has sought to date, the Commission seeks reporting information which provides specificity with respect to services which are available and being subscribed to, broken down by customer class, that is, residential, business and institutional, how should that level of detail be provided?

The Commission is inviting public comment on appropriate reporting guidelines for filing biennial Network Modernization Plan updates, including but not limited to the issues set forth above. The deadline for filing initial comments is October 20, 1998. Reply comments may be filed no later than October 27, 1998. Anyone submitting comments or reply comments must file an original and four copies with the Commission's Secretary for filing at Docket No. P-00930441. Any person submitting comments or reply comments should also file a diskette containing an electronic read-only version of their comments in Microsoft Word 6.0 format, clearly identifying the party, docket number, nature of filing and contact person.

The contact persons at the Commission regarding this proceeding are Carl S. Hisiro, Assistant Counsel, Law Bureau (717) 783-2812 (legal), and James B. Strausbaugh, Bureau of Fixed Utility Services (717) 787-4700 (technical). A copy of the August 27, 1998 motion as well as the subsequent Commission order memorializing the motion may be obtained from the Office of the Secretary at (717) 787-1013.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1586. Filed for public inspection September 25, 1998, 9:00 a.m.]

### **Tariff Filing of GTE North, Incorporated for the Purpose of Removing E911 Private Switch ALI Service from Its Tariffs; Doc. No. R-00984357**

On May 8, 1998, GTE North, Incorporated, filed Supplement Nos. 107, 102, 95 and 104 to GTE North Incorporated's Tariffs Telephone Pa. P.U.C. Nos. 1, 3, 4 and 6, respectively, for the purpose of removing E911 Private Switch ALI service from the respective tariffs.

The Pennsylvania Public Utility Commission (Commission) has determined that the solicitation of public comment is appropriate. Consequently, the Commission is providing this public notice for comments. The deadline for comments shall be 20 days from publication in the *Pennsylvania Bulletin*.

Persons or entities submitting comments must file an original and 13 copies of a comment with the Office of the Secretary in PUC Doc. No. R-00984357. Copies of the

proposed tariff supplements are on file with the Commission and are available for public inspection.

The contact person at the Commission is James B. Strausbaugh, Bureau of Fixed Utility Services, (717) 787-4700.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1587. Filed for public inspection September 25, 1998, 9:00 a.m.]

### **Water Service Without Hearing**

**A-213550F0014. York Water Company.** Application of the York Water Company, under section 1102(a)(4) of the Public Utility Code, for approval of the right of the York Water Company to acquire 5% or more of, but not a controlling interest in, the voting capital stock of the Columbia Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 13, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* The York Water Company

*Through and By Counsel:* Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Morgan, Lewis & Bockius LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1588. Filed for public inspection September 25, 1998, 9:00 a.m.]

## **TURNPIKE COMMISSION**

### **Request for Bids**

The Turnpike Commission is requesting sealed bids for Improvements to Wastewater Treatment Plants at Lawn Service Plaza (Lebanon Co.) and Peter J. Camiel Service Plaza (Chester Co.) Mandatory Site Inspection: October 5, 1998 at 11 a.m. Assemble at Wastewater Treatment Plant of Lawn Service Plaza, M. P. 258.8 Westbound. Due Date: October 13, 1998 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1589. Filed for public inspection September 25, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1243238** Hardware and abrasives—104 each padlocks—Master 82B (no substitute) laminated brass w/brass shackle 1 3/4" wide, 2 1/2" vertical clearance, 5 pin tumbler keyed to 56K65; 317 each padlocks—Master 82B (no substitute) laminated brass w/brass shackle 1 3/4" wide 1 1/2" clearance 5 pin tumbler keyed to 56K65; 548 each padlocks Master 82B laminated brass case 3/4" vertical shackle clearance 5 pin tumbler keyed to 56K65; 117 padlocks Master 81 (no substitute) laminated steel case 1 1/2" vertical shackle clearance 5 pin tumbler keyed to 56K71.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1211218** Plumbing, heating and sanitation equipment—Various amounts and sizes nipples, strainers, black threaded, ells, black malleable, ex-heavy, union, ground malleable ex-heavy, valve, ball 150—300 lb. IPS, pipe, black, ex-heavy plain end, zone valve, electric motorvalves.

**Department:** Public Welfare  
**Location:** Danville State Hospital, Danville, Montour County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1227188** Communication equipment—1 lot IBM 3490EA20 controller—1 each; IBM 3490EB40 tape drives—1 each; these devices must be make/model specific as they must integrate with our current 3490E tape drive configuration, the 3490EA20 controller must have 2 Escon channels.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1197168** Paper and printing—55M PDE-4519 Secondary Completer Survey; 5-M PDE-4520 Adult Completer Survey; 25M PDE-4692 Post Secondary Completer Survey.

**Department:** Education  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1205208** Photographic equipment—30,000 each ID cards, Municipal Police, Custom Trimpak cards 1 color front, 2 color back, perforated, typewriter design, slotted and computer mounted printed to our specs, Identocard System No. C20-CUST-TP or approved equal; 17,000 each pouches, laminating, horizontal pre-slotted tab pouch size 2 5/16" x 10/10 (20 mil.), 3 1/4" packed 500 per box Identocard Systems No. F87-73HSDWP or approved equal; 1 each set-up for custom cards; 1 each computer format set-up charge.

**Department:** State Police  
**Location:** Hershey, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

## SERVICES

### Audio/Video—04

**392473** Maintenance on hospital's master antenna/cable television system: repair, as needed, of the hospital's master antenna/cable television system to maintain the distribution of the system which consists of converters, amplifiers, filters, associated (RF) cables, distribution amplifiers, distribution cables and related equipment.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2002, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**F 98-04** State Correctional Institution Greene will be soliciting bids for the maintenance and repair service for a Harris 20/20 PBX system which consists of 400 plus analog/digital extensions. The contract, when awarded, will be for 3 years. Interested vendors must be able to supply parts and be able to render prompt service.

**Department:** Corrections  
**Location:** State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370  
**Duration:** July 1998 through 2002  
**Contact:** Patrick Nichols, (724) 852-5533

**RFQC-1998-081-02** The Department of General Services is issuing a Request for Qualified Contractors (RFQC) on behalf of the Governor's Office of Administration, Office for Information Technology, to provide Commonwealth Telecommunications Services. All Commonwealth Telecommunications Services (CTS) used by State government agencies will be brought together in this single acquisition. The CTS will include basic digital transport, voice, data, video and Internet access telecommunications services, together with the appropriate support infrastructures. The Request for Qualified Contractors will be issued in the near future. Telecommunications Services vendors, and others interested in receiving an announcement of its release should either email, fax, or mail their request (email preferred) to Commonwealth of Pennsylvania, Office of Administration/OIT, Room 310, Finance Building, Harrisburg, PA 17120, Attn: Nicholas Giordano, fax (717) 787-0939, Internet: cts\_email@state.pa.us.

**Department:** Office of Administration  
**Location:** Statewide  
**Duration:** Five years  
**Contact:** Nicholas Giordano, (717) 705-8324

**SP 377585** The PA Board of Probation and Parole is soliciting bids for cellular telephone service for the Harrisburg area including Lancaster, Scranton, Williamsport and York.

**Department:** PA Board of Probation and Parole  
**Location:** Harrisburg, Lancaster, Scranton, Williamsport and York areas  
**Duration:** November 01, 1998 to June 30, 1999  
**Contact:** Michelle Carl, Fiscal Management Division, (717) 787-8879

**SP 377586** The PA Board of Probation and Parole is soliciting bids for cellular telephone service for the Philadelphia area including Allentown, Chester and Norristown.

**Department:** PA Board of Probation and Parole  
**Location:** Philadelphia, Allentown, Chester and Norristown areas  
**Duration:** November 01, 1998 to June 30, 1999  
**Contact:** Michelle Carl, Fiscal Management Division, (717) 787-8879

## Construction—09

**Project No. 409-GB** "Addition of Metal Stairs to the Press-Box at Jack Stadium," Project 409-GB. Lock Haven University of PA, of Pennsylvania's State System of Higher Education (SSHE), is seeking bids for general construction. Project consists of adding new metal stairs at the press-box up to the roof parapet, as well as providing wire infill panels in new and existing handrails. Stairs and handrails to be primed and painted. Prebid meeting will be September 21st, 1998 (9 a.m.) in Robinson Learning Center, Hall of Flags. Prospective bidders are encouraged to attend. Bids due October 05, 1998 (2 p.m.) and will be opened publicly shortly thereafter. For information or to request contract documents at a nonrefundable fee of \$20, bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801 (814) 238-7706. Contract bonds apply. The System encourages responses from small firms, minority firms, women owned firms and firms which may have not previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Lock Haven University of PA, Jack Stadium/Athletic Complex, Lock Haven, PA 17745  
**Duration:** 60 calendar days from Notice to Proceed  
**Contact:** Paulette Rider, Comprehensive Design, (814) 238-7706

**0270-98003** This contract will provide manpower, equipment and incidental guiderail material for installation of approximately 10,000 linear feet of strong post at various locations throughout Mifflin County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and the end anchorages. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guiderail locations, and a site will be determined where the guiderail material will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the contractor. All requests for bid packages must be received by fax at (717) 436-5331, Roger Burchfield or Don Woodward, (717) 436-2187.

**Department:** Transportation  
**Location:** District 0270, Various locations within Mifflin County, PA  
**Duration:** One year  
**Contact:** Roger Burchfield, (717) 436-2187

**0290-98003** This contract will provide manpower, equipment and incidental guiderail material for installation of approximately 9,000 linear feet of strong post at various locations throughout Juniata County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and the end anchorages. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guiderail locations, and a site will be determined where the guiderail material will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the contractor. All requests for bid packages must be received by fax at (717) 436-5331, Roger Burchfield or Don Woodward, (717) 436-2187.

**Department:** Transportation  
**Location:** District 0290, various locations within Juniata County, PA  
**Duration:** One year  
**Contact:** Roger Burchfield, (717) 436-2187

**948-411N1.2** Project title: General Works—Elevators, Lifts and Millwork. Brief description: The package consists of, but is not limited to, the following work: architectural specialties, rough and finish carpentry, millwork, blocking and casework, chairlifts, access doors, parking garage equipment. Install hollow metal doors and hardware, passenger and freight elevators, elevator equipment, rails and equipment, and the like. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc., must be submitted to cover the cost of delivery. Additional sets may be purchased. Cost of additional sets are not refundable. Mail requests to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, October 27, 1998, at 2 p.m. A prebid conference has been scheduled for Tuesday, October 13, 1998, at 2 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Stephen Donohoe, P.M.P., or Justin Koenes, (717) 233-7507 or fax: (717) 233-7528. All bidders who have secured plans and specifications are invited and urged to attend this prebid conference. All questions must be submitted in writing to CRSS Constructors, Inc. in association with The Quandel Group, Inc., P. O. Box 60827, Harrisburg, PA 17106-0827, Attn: Stephen Donohoe, (717) 233-7507, fax: (717) 233-7528 by Tuesday, October 20, 1998.

**Department:** General Services  
**Location:** Keystone Building, Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 480 calendar days from pre-construction conference date  
**Contact:** Contract Bidding Unit, (717) 787-6556

**948-411N6.5** Project title: Kitchen Equipment. Brief description: The package consists of, but is not limited to, the following work: FOB kitchen equipment, install kitchen equipment, exhaust hood for kitchen equipment, and the like. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc., must be submitted to cover the cost of delivery. Additional sets may be purchased. Cost of additional sets are not refundable. Mail requests to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, October 27, 1998, at 2 p.m. A prebid conference has been scheduled for Tuesday, October 13, 1998, at 2 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Stephen Donohoe, P.M.P., or Justin Koenes, (717) 233-7507 or fax: (717) 233-7528. All bidders who have secured plans and specifications are invited and urged to attend this prebid conference. All questions must be submitted in writing to CRSS Constructors, Inc. in association with The Quandel Group, Inc., P. O. Box 60827, Harrisburg, PA 17106-0827, Attn: Stephen Donohoe, (717) 233-7507, fax: (717) 233-7528 by Tuesday, October 20, 1998.

**Department:** General Services  
**Location:** Keystone Building, Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from pre-construction conference date  
**Contact:** Contract Bidding Unit, (717) 787-6556

**948-41SW3.1** Project title: Helipad. Brief description: The package consists of, but is not limited to, the following work: helipad systems and equipment and the like. General construction. Plans deposit: \$175 per set. Payable to: CRSS Constructors. 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 plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc., must be submitted to cover the cost of delivery. Additional sets may be purchased. Cost of additional sets are not refundable. Mail requests to: Reliance Reprographics, Inc., 535 West Hamilton Street, Suite 101, Allentown, PA 18101, Attn: Matthew F. Swartz, (610) 821-5100. Bid date: Tuesday, October 27, 1998, at 2 p.m. A prebid conference has been scheduled for Tuesday, October 13, 1998, at 2 p.m. in the Arsenal Building, Corporate Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Stephen Donohoe, P.M.P., or Justin Koenes, (717) 233-7507 or fax: (717) 233-7528. All bidders who have secured plans and specifications are invited and urged to attend this prebid conference. All questions must be submitted in writing to CRSS Constructors, Inc. in association with The Quandel Group, Inc., P. O. Box 60827, Harrisburg, PA 17106-0827, Attn: Stephen Donohoe, (717) 233-7507, fax: (717) 233-7528 by Tuesday, October 20, 1998.

**Department:** General Services  
**Location:** Keystone Building, Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 90 calendar days from pre-construction conference date  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 509-25** Project title: Air Condition Patient Building No. 11. Brief description: Install air conditioning in two story building No. 11 per specifications and drawings. The work involves asbestos abatement, ceiling removal, electrical and lighting installations. General, HVAC and Electrical Construction. Plans deposit: \$150 per set. Payable to: Tahoun Smith Associates, 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Tahoun Smith Associates, Inc., 120 North Church Street, West Chester, PA 19380, (610) 344-0360. Bid date: Wednesday, October 28, 1998, at 1 p.m. A prebid conference has been scheduled for Wednesday, October 14, 1998, at 9:30 a.m. at Norristown State Hospital, in the Lobby of Building No. 11, Norristown, PA. Contact: Lee Smith, (610) 344-0360. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 200 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 509-26** Project title: Air Condition Patient Building No. 12. Brief description: Install air conditioning in two story building No. 12 per specifications and drawings. The work involves asbestos abatement, ceiling removal, electrical and lighting installations. General, HVAC and Electrical Construction. Plans deposit: \$150 per set. Payable to: Tahoun Smith Associates, 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Tahoun Smith Associates, Inc., 120 North Church Street, West Chester, PA 19380, (610) 344-0360. Bid date: Wednesday, October 28, 1998, at 1 p.m. A prebid conference has been scheduled for Wednesday, October 14, 1998, at 9:30 a.m. at Norristown State Hospital, in the Lobby of Building No. 11, Norristown, PA. Contact: Lee Smith, (610) 344-0360. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 200 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**SPC 396478** Approximately 1,030 square feet, material and labor, to install raised floor. No less than 1 1/2 inches and no more than 4 inches to include nine electrical boxes with access plates and 44-inch wide ramp. Floor to be complete with carpet.

**Department:** Military and Veterans Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Road, Scotland, PA 17254-0900  
**Duration:** October 15 through April 15, 1999  
**Contact:** Ronald J. Sheppard, Business Manager, (717) 264-7187, Ext. 690

## Engineering Services—14

**08430AG2247** To provide preliminary engineering, environmental studies, final design and engineering services during construction for a bridge over Penns Creek in Union County on S. R. 0204, Section 004, in the Village of New Berlin.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Forty-two (42) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2244** To provide right-of-way acquisition assistance services for S. R. 0030-016, T. R. 30, Walker Road to Olde U. S. 30 in Franklin County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2245** To provide preliminary engineering, environmental studies, final design and preparation of viewers plans on S. R. 3020-001, Union Deposit Road Bridge over Nye's Run in Dauphin County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2246** To perform final design and provide shop drawing review and consultation during construction for S. R. 4034, Section A90 in Harborscreek Township and the City of Erie, Erie County.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Fifteen (15) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Services—15

**FC-096H1** Contract is for rehabilitation of Well No. 3 at Pleasant Mount Fish Culture Station, Mount Pleasant Township, Wayne County, PA.

**Department:** Fish and Boat Commission  
**Location:** Pleasant Mount Fish Culture Station, 450 Robinson Lane, Bellefonte, Mount Pleasant Township, Wayne County, PA 16823-9620  
**Duration:** 60 days after Receipt of Order  
**Contact:** Amos C. Ferguson, (814) 359-5105

**FC-097H** Contract is for rehabilitation of Well No. 5 at Linesville Fish Culture Station, Pine Township, Crawford County, PA.

**Department:** Fish and Boat Commission  
**Location:** Linesville Fish Culture Station, 450 Robinson Lane, Bellefonte, Pine Township, Crawford County, PA 16823-9620  
**Duration:** 60 days after Receipt of Order  
**Contact:** Amos C. Ferguson, (814) 359-5105

## Food—19

**1207** Noncarbonated beverage drink/juice concentrated bases: Contract shall be for the months of November 1998 through June 2001. Delivery of the products specified shall be made as needed and requested by the institution on a daily basis. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** November 1, 1998 to June 30, 2001  
**Contact:** Charles W. Kovach, (724) 853-3503

**AA 09024** Bread, rolls and related products—fresh.

**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, 1999 through June 30, 1999  
**Contact:** Jeanette Gualtieri, (814) 878-4930

## Fuel Related Services—20

**304-07452** Contractor shall provide the necessary materials, equipment and labor for removal of the underground storage tank, emergency generator and all associated systems at the Commonwealth Technology Center, 5 Tech Park.

**Department:** General Services/Facilities Management  
**Location:** Commonwealth Technology Center, 5 Tech Park, Harrisburg, PA  
**Duration:** November 2, 1998 through December 22, 1998  
**Contact:** Robert Spoljaric, (717) 783-1170

**AE-2299** Installation of underground storage tank. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Somerset, Somerset County, PA  
**Duration:** 90 calendar days, proposed bid October 1998  
**Contact:** Valentina Chubb, (717) 787-7001

<b>AE-5220</b>	Installation of underground storage tank. Fax (717) 783-7971.
<b>Department:</b>	Transportation
<b>Location:</b>	PennDOT Maintenance Building, Norristown, Montgomery County, PA
<b>Duration:</b>	90 calendar days, proposed bid date October 1998
<b>Contact:</b>	Valentina Chubb, (717) 787-7001
<b>AE-5222</b>	Installation of underground storage tank. Fax (717) 783-7971.
<b>Department:</b>	Transportation
<b>Location:</b>	Old Middletown Road off T. R. 352, Bortondale, Delaware County, PA
<b>Duration:</b>	90 calendar days, proposed bid date October 1998
<b>Contact:</b>	Valentina Chubb, (717) 787-7001
<b>AE-5237</b>	Installation of underground storage tank. Fax (717) 783-7971.
<b>Department:</b>	Transportation
<b>Location:</b>	PennDOT Maintenance Building, Mifflintown, Juniata County, PA
<b>Duration:</b>	90 calendar days, proposed bid date October 1998
<b>Contact:</b>	Valentina Chubb, (717) 787-7001
<b>AE-5251</b>	Installation of underground storage tank. Fax (717) 783-7971.
<b>Department:</b>	Transportation
<b>Location:</b>	PennDOT Maintenance Building, Bedford, Bedford County, PA
<b>Duration:</b>	90 calendar days, proposed bid date October 1998
<b>Contact:</b>	Valentina Chubb, (717) 787-7001

## Hazardous Material Services—21

**HSCP 6-013-101.1** Contaminated soil remediation, Schiller Site. The principal items of work and approximate quantities are: excavation transportation and off site disposal of soils contaminated with inorganics (1) 390 c. y. of hazardous, (2) 910 c. y. of nonhazardous; disposal of junk, debris and foundation demolition materials (1) 900 ton of residual, (2) 100 ton of municipal; 175 each sampling and analysis; 1,800 c. y. common borrow; 16,500 c. y. treatment and backfilling of soils contaminated with organics (options include low temperature thermal desorption, ex-situ vapor extraction and in-situ mobile injection); 2.5 acres final soil cover (6" depth); 2.5 acres of revegetation. A prebid conference is scheduled for 9 a.m. on October 14, 1998, at the Northwest Regional Office, 230 Chestnut Street, Meadville, PA. Bidders attendance at the prebid conference is mandatory. Failure to attend the prebid conference will be cause for rejection of the bid.

**Department:** Environmental Protection  
**Location:** Richmond Township, Crawford County, PA  
**Duration:** 300 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

## HVAC—22

**354** Boiler Feed Water Line Replacement: All feedwater piping and valves will be completely replaced with new material starting at threaded union on the discharge side of Feed Pump and proceeding throughout building to all three boilers ending at Boiler Steam Drum.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** December 01, 1998—June 30, 1999  
**Contact:** Byron E. Leftwich, Purchasing Agent, (814) 432-0397

**Project No. 507** Start-up, inspect and shutdown of installed heating, ventilating, A/C systems, humidification system.

**Department:** Military and Veterans Affairs  
**Location:** Various Buildings, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** October 1, 1998—September 30, 2001  
**Contact:** Emma Schroff, (717) 861-8518

**260244** Parts and labor to service one Voltac Direct Digital HVAC control system in the Bengs Building at Mayview State Hospital. Includes supervision to assist Mayview State Hospital's maintenance crews in the start-up of both the heating and cooling system in the Beng's Building. Includes one complete system calibration including all pneumatic devices.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** January 1, 1999—June 30, 2003  
**Contact:** Fred Molisee, Purchasing Agent II, (412) 257-6215

**CDW-98** Contractor to clean out all above ground or below ground transpipe/ductwork located in the modular homes on the grounds of Southeastern PA Veterans Center, to meet all State and Federal guidelines for Clean Air Act.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** January 1, 1999—June 30, 1999  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**FLYVAC-02** To vacuum and remove fly ash from the boilers of combination coal and oil fired B & W boilers. This system produces 30,000 pounds of steam per hour. The contractor shall provide all supplies, labor and transportation of disposal to an approved landfill. Contractor shall also be responsible for all landfill charges.

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, Houtzdale, PA 16698-1000  
**Duration:** January 1, 1999 through June 30, 2000  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1006

**HPR-98** Vendor to perform on-call repairs of heating and piping systems.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** January 1, 1999—June 30, 2001  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**REM-98** Vendor to supply maintenance and repair services to refrigeration equipment located on the grounds of the Southeastern PA Veterans Center.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** January 1, 1999—June 30, 2001  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**RJ 0800-05** Electrical service contract required for the inspection and maintenance of highway lighting through the Pennsylvania Department of Transportation's District 8-0, which includes Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry Counties. Performance and payment bonds required of the successful bidder. Specifications for this work furnished on request.

**Department:** Transportation  
**Location:** Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry Counties, PA  
**Duration:** January 1, 1999 to December 31, 2000 with 1-year renewal  
**Contact:** Richard B. Jefferies, (717) 787-4783

**SP 398345** Install electrical service to 20 campsites. The service is to include all meters, electric panel boxes, junction boxes, plugin modules, wiring, and the like at R. B. Winter State Park, Union County. Bids will be opened at the Northcentral Regional Office of Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, October 16, 1998, at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility Design and Construction, R. B. Winter State Park, R. R. 2, Box 314, Mifflinburg, PA 17844-9656  
**Duration:** October 16, 1998—April 10, 1999  
**Contact:** Gene Strick, Regional Engineer, (814) 486-5637

## Janitorial Services—23

**SP402542** Provide janitorial services for the Somerset County Assistance Office. Services to be provided during non-working hours. The overall size of office space is 13,500 square feet. Approximately 10,000 square feet is carpeted and 3,500 square feet contain either vinyl tile or ceramic tile. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 100 Maple Plaza Drive, Somerset, PA 15501  
**Duration:** January 01, 1999 through December 30, 2001 with two additional 1-year renewals  
**Contact:** Doyle Shull, (717) 787-7585

**Laundry—25**

**4610-01** This contract will provide wiping towel service for the Department of Transportation Engineering Districts, Maintenance Districts and Central Office locations on a monthly, weekly or biweekly basis as specified in specifications. All requests for bid packages must be received by fax at (717) 783-8528 (Attn: Phyllis Dietrich).

**Department:** Transportation  
**Location:** Statewide—All Engineering Districts, Maintenance Districts and Central Office Locations  
**Duration:** One year with four 1-year renewals  
**Contact:** Phyllis Dietrich, (717) 787-3959

**Medical Services—29**

**AA 09025** Provide alternate pharmacist services for this facility when in-house pharmacist is on leave. This service will begin January 1, 1999 through June 30, 1999.

**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, 1999 through June 30, 1999  
**Contact:** Jeanette Gualtieri, (814) 878-4930

**PHYS-98-1** Contractor shall provide the services of a medical director and primary care physicians to the residents of the Southeastern PA Veterans Center as required.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** November 1, 1998—June 30, 1999  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**Property Maintenance—33**

**392474** 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, and the like.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1999 through June 30, 2004, a period of 5 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**304-07449** Contractor will furnish all labor, equipment, materials and supervision to pile, load and haul snow away from the Capitol Complex to a dumpsite provided by the Commonwealth.

**Department:** General Services  
**Location:** Buildings and Grounds, Capitol Complex, Harrisburg, PA 17225  
**Duration:** July 1, 1998 through June 30, 2000  
**Contact:** Dennis Rydberg, (717) 787-5616

**AE-5113** Installation of new security fence. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile No. 04, Washington Township, Lehigh County, PA  
**Duration:** 90 calendar days, proposed bid October 1998  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5260** Fence installation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 8-5, 21st and Herr Streets, Harrisburg, Dauphin County, PA  
**Duration:** 90 calendar days, proposed bid date October 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**AE-5294** Roof repair. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Elizabethville Stockpile No. 02, Dauphin County, PA  
**Duration:** 90 calendar days, proposed bid date October 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**MI-627 Rebid** Project title: Pucillo Gymnasium Pool and Shower Repair. Scope of work: Remove and replace showers, waterproof locker room floor, repair pool and repair wrestling room ceiling. Plans cost: \$50 nonrefundable.

**Department:** State System of Higher Education  
**Location:** Pucillo Gymnasium, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** March 22, 1999—May 24, 1999  
**Contact:** Jill M. Coleman, Dilworth Building, (717) 872-3730

**SPC 297083 and 297070** Two contracts will involve tree planting in Limestone and Porter Townships, Clarion County in the spring of 1999. The two contracts will involve approximately 60,000 tree seedlings and the installation of 2,600 tree shelters.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Limestone and Porter Townships, Clarion County, PA  
**Duration:** April 15—May 15, 1999  
**Contact:** Tina M. Alban, (814) 364-5150

**Real Estate Services—35**

**84A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Office of Attorney General with 36,193 useable square feet of new or existing office/warehouse/garage space with parking for 100 vehicles, in Dauphin/Cumberland Counties, PA within the following boundaries: Dauphin or Cumberland Counties, within 1 to 1 1/2 miles of major interstate highway intersections, as detailed in specifications. Proposals due: October 19, 1998. Solicitation No.: 92729.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1998—99  
**Contact:** John A. Hocker, (717) 787-4394

**85A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Board of Probation and Parole with 2,595 useable square feet of new or existing office space with parking for seven vehicles, in Beaver County, PA within the following boundaries: Townships of Rochester, Vanport, Center, and Chippewa, Boroughs of Beaver, Economy, Conway, Fallston, New Brighton, Rochester, Freedom, Bridgewater, Monaca, Big Beaver and the City of Beaver Falls. The office must be situated within 3 blocks of a public transportation system. Proposals due: November 23, 1998. Solicitation No.: 92724.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1998—99  
**Contact:** John A. Hocker, (717) 787-4394, Ext. 3107

**Sanitation—36**

**Project No. 508** Provide labor, materials, equipment and vehicles to service inhouse resetting and receiving tank Area 4, sewage treatment plant.

**Department:** Military and Veterans Affairs  
**Location:** Area 4, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** October 1, 1998—September 30, 2001  
**Contact:** Emma Schroff, (717) 861-8518

**MAI-2150A** Contractor to provide services for the pick-up and removal of municipal and residual waste from institution premises.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** January 1, 1999 through December 31, 2000  
**Contact:** Lesley S. Jarrett, (814) 756-5778

### Vehicle, Heavy Equipment—38

**Project No. 506** Rental of bucket truck.

**Department:** Military and Veterans Affairs  
**Location:** Building 11-64, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** October 1, 1998—September 30, 2001  
**Contact:** Emma Schroff, (717) 861-8518

**L&I-9-98** Maintenance: Maintenance and inspection services for power distribution/conditioners/power monitoring systems for the Department of Labor and Industry's Bureau of Management Information Services. A mandatory site visit is scheduled for 9 a.m. on October 6, 1998. Contractors are to meet in the main lobby of the Labor and Industry Building.

**Department:** Labor and Industry/Management Information Services  
**Location:** Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA  
**Duration:** December 1, 1998 through September 30, 2000  
**Contact:** Beverly Fenton, Administrative Assistant, (717) 787-2560

### Miscellaneous—39

**98-01** Covert Surveillance of Third Party Commercial Driver License (CDL) Testing Program. The objective of this project is to perform covert surveillance of various commercial driver license testing sites located throughout this Commonwealth and report findings back to the Pennsylvania Department of Transportation. Additional information and a Request for Proposals (RFP) may be obtained by faxing a request for RFP No. 98-01 to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services throughout Pennsylvania  
**Duration:** 60 months  
**Contact:** Tom Schumacher, (717) 783-8906

**Project No. 98-04** To provide training and a training center for the training of minorities, females and disadvantaged males to develop skills related to quality control inspection as a Technical Assistant and have access to the heavy and highway construction industry. Requirements and RFP (Request for Proposal) are available upon request. Fax your requests for an RFP to Tina Chubb at (717) 772-8282.

**Department:** Transportation  
**Location:** Bureau of Office Services, 8th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA—throughout Eastern Pennsylvania  
**Duration:** 24 month contract with possibly three 12-month renewals  
**Contact:** Tonja Jackson, (717) 783-8910

**010343** Complete operation of wastewater and drinking water treatment facilities at Safety Rest Area Sites 19 and 20, I-79, Crawford County.

**Department:** Transportation  
**Location:** Safety Rest Area Sites 19 and 20, I-79, Crawford County, PA  
**Duration:** December 01, 1998—November 30, 1999  
**Contact:** Carol Shoup, (814) 437-4392

**R-4300-Printing** This is to serve as notice that an advertisement placed in the *Pennsylvania Bulletin* on September 12, 1998, is being cancelled. The ad number was 4300-Printing which was published under 39, Miscellaneous. A new ad will appear in the *Bulletin* under number 4300-434. This is for the same type service, however a few changes have been made to the specifications. Both advertisements should appear in the September 26, 1998 *Pennsylvania Bulletin*.

**Department:** Transportation  
**Location:** Bureau of Design, PennDOT, 555 Walnut Street, 6th Floor Forum Place, Harrisburg, PA 17101-1900  
**Duration:** Indeterminate 1998—99  
**Contact:** Donna Laird or Nancy Baker, (717) 783-6420 or 787-3311

**4300-434** The printing of full and reduced size plans using state-of-the-art analog and digital equipment. Reproduce and reduce Highway Letting Plans from an original plan sheet of 22" x 36" to 22" x 36" and 22" x 36" to 12" x 18". The reproduction of plan sheets would not involve the usage of ammonia print. Full size sets of plan sheets must be copied 5 to 25 times and each set of half size plan sheets must be copied 40 to 100 times. A set of plans may include 300 to 2,000 sheets. Original may be mylar, vellum or regular bond paper. Originals could be full size, half size or CD ROM disk. Price per set of plans includes two fasteners on the 22" side (full size) and 12" side (half size), collating, wrapping, labeling, pick-up and delivery. Original plans must be insured at replacement costs applicable at the time of pick-up and the carrier bonded. Original plans may be picked up at the 6th Floor Reproduction Room located at 555 Walnut Street, Harrisburg, PA and returned there with completion of reproduction work. Delivery is to be within 48 hours of receipt of pick-up. Reproduced plans will be delivered to the Publication Sales Store, 6th Floor Forum Place, 555 Walnut Street, Harrisburg, PA. Delivery hours are between 8 a.m. and 2 p.m. Basic 48-hour delivery time. Billing will be separate for each project by order requested.

**Department:** Transportation  
**Location:** Bureau of Design, PennDOT, 555 Walnut Street, 6th Floor Forum Place, Harrisburg, PA 17101-1900  
**Duration:** This will be a 1 year contract with renewal options  
**Contact:** Donna Laird or Nancy Baker, (717) 783-6420 or 787-3311

**W2W 98-99** Welfare to Work Transportation Demonstration. The PA Department of Transportation is seeking letters of intent from counties/regions which will form local partnerships among county assistance offices, transportation providers, private industry councils, local economic development organizations, employers, and the like to demonstrate creative methods of making transportation available to welfare recipients who are entering the workforce. Applications for grant funds will be distributed based on letters of intent. Detailed information on the letters of intent is available upon request. Fax requests to Bureau of Public Transportation at (717) 772-2985.

**Department:** Transportation  
**Location:** Bureau of Public Transportation, 8th Floor, 555 Walnut Street, Forum Place—Various; depends on award of grants  
**Duration:** Through June 30, 2000  
**Contact:** Jim Grier/LaVerne Collins, (717) 787-7540

[Pa.B. Doc. No. 98-1590. Filed for public inspection September 25, 1998, 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:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1105-02 RIP and SUPP. # 1	09/21/98	Safety League, Inc.	50,000.00
1105-02 RIP and SUPP. # 1	09/21/98	RBR Armor, Inc.	25,000.00
5820-03	09/21/98	Handar, Inc.	45,000.00
5820-03	09/21/98	High Sierra Electronics	45,000.00
5820-03	09/21/98	Hydrolynx Systems, Inc.	45,000.00
1044388-01	09/14/98	Mabie Brothers, Inc.	111,600.00
1046158-01	09/14/98	Standard Textile Co., Inc.	15,528.50
1108128-01	09/14/98	Standard Register Co.	230,696.48
1146148-01	09/14/98	Whiteside's of Cambridge, Inc.	21,933.00
1150118-01	09/06/98	Advanced Distributors, Inc.	22,240.00
1152238-01	09/14/98	Middletown Lumber, Inc.	16,120.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1464155-01	09/14/98	Autec, Inc.	60,555.00
8217370-01	09/14/98	Fisher Scientific Co., LLC	3,285.00
8217370-02	09/14/98	Atico International	2,570.00
8217390-01	09/14/98	Burrell Scientific, Inc.	20,756.40
8249330-01	09/14/98	Furnival Machinery Co.	2,287,996.20
8249360-01	09/14/98	Highway Equipment and Supply Co.	201,866.00
8249360-02	09/14/98	Groff Tractor and Equipment, Inc.	48,823.00
8249480-01	09/14/98	Shaul Equipment and Supply Co.	103,800.00
8249550-01	09/14/98	Artco Equipment Sales, Inc.	9,783.00
8504600-01	09/14/98	Wong Ltd.	28,758.75

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-1591. Filed for public inspection September 25, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

### Mobile Equipment Repair and Refinishing

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A. The proposed changes to Chapter 121 add definitions of terms used in the substantive sections of Chapter 129. A new § 129.75 establishes requirements to control volatile organic compound (VOC) emissions from mobile equipment repair and refinishing facilities.

This notice is given under Board order at its meeting of January 20, 1998.

#### A. *Effective Date*

These proposed amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rule-making.

#### B. *Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663, or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

#### C. *Statutory Authority*

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

#### D. *Background of the Proposed Amendments*

These amendments propose to establish controls on the VOC emissions from mobile equipment repair and refinishing facilities. These proposed amendments implement the recommendations of the Southeast and Southwest Pennsylvania Ozone Stakeholder Working Groups. The Southwest Ozone Stakeholders recommended a point of sale regulation which would preclude the sale of noncomplying finishes. The Southeast Ozone Stakeholders recommended limiting the VOC content of automobile refinish material to the levels imposed in the South Coast Air Quality Management District (SCAQMD).

Subsequent to the recommendations of the Ozone Stakeholders, a separate stakeholder group was formed composed of representatives of the mobile equipment repair and refinishing community, equipment suppliers and members of the public. This stakeholder group identified a number of problems with a point of sale regulation and the SCAQMD limits and recommended establishing limitations on the VOC content of finishes along with equipment specifications and work practice requirements. The proposed amendments incorporate the recommendations of this stakeholder group.

The Department of Environmental Protection (Department) also consulted with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposal. At its August 21, 1997, meeting, the AQTAC recommended adoption of the proposed amendments.

#### E. *Summary of Regulatory Revisions*

The proposed changes to Chapter 121 add definitions of terms used in the substantive provisions in Chapter 129. The definitions include "antique motor vehicle," "automotive pretreatment," "automotive primer-surfacer," "automobile primer-sealer," "automotive specialty coating," "automotive topcoat," "classic motor vehicle," "mobile equipment" and "touchup repair."

A new § 129.75 (relating to mobile equipment repair and refinishing), establishes allowable VOC content requirements for coatings used in this source category. Section 129.75(b) establishes exceptions to the general applicability of the rules where the coating is done in an automobile assembly plant or by an individual who does not receive compensation for application of the coatings. Subsection (e) establishes the VOC content of automobile refinish coatings, and subsection (f) provides the methodology for calculating VOC emissions. Subsections (g) and (h) establish application techniques and time frames for existing and new facilities applying coatings regulated by this section. Subsections (j) and (k) establish the requirements for cleaning spray guns associated with this source category and housekeeping, pollution prevention and training requirements for individuals applying mobile equipment repair and refinishing coatings. Finally, subsection (l) requires the owner or operator of a facility subject to this section to obtain a permit for operation of the facility.

Under these requirements, a person who applies mobile equipment repair and refinishing coatings will have to provide notice to the Department and comply with applicable VOC content requirements for coatings. In addition to application technique and cleaning requirements, the proposed amendments establish training, pollution prevention and permitting requirements that are phased-in under a schedule set forth in the proposed amendments.

This proposed regulatory revision will be submitted to the Environmental Protection Agency as an amendment to the State Implementation Plan.

#### F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

##### *Benefits*

Overall, the citizens of the Commonwealth will benefit from these recommended changes because they provide appropriate controls on VOC emissions from mobile equipment and repair and refinishing facilities.

##### *Compliance Costs*

These proposed amendments will increase compliance costs requiring facilities to obtain a permit. Equipment costs will also be slightly higher but the increase in equipment costs will be recovered by savings in operating costs. There may be some increases in costs associated with the training requirement.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the public and the regulated community with understanding the

newly revised requirements and how to comply with them. The proposed amendments require that persons applying mobile equipment repair and refinishing coatings receive training in proper use and handling of coatings, solvents and wash products. This will be accomplished through Department-sponsored training.

#### *Paperwork Requirements*

The proposed regulatory revisions will increase the paperwork related to this class of facilities by requiring permits, reporting and recordkeeping.

#### *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 they were intended.

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 8, 1998, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review 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 the Department, the Governor and the General Assembly to review these objections before final publication of the amendments.

#### *I. Public Information Meetings*

The Department will hold 12 public information meetings Statewide to discuss the proposed regulatory requirements and respond to questions from the public and automobile refinish industry. A morning session and an evening session will be held in each of the Department's six regional offices as follows:

October 5, 1998—7 p.m. October 6, 1998—9 a.m.	Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA.
October 7, 1998—7 p.m. October 8, 1998—9 a.m.	Northcentral Regional Office 208 North Third Street Williamsport, PA.
October 14, 1998—7 p.m. October 15, 1998—9 a.m.	Northwest Regional Office 230 Chestnut Street Meadville, PA.
October 19, 1998 9 a.m. and 7 p.m.	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA.
October 27, 1998 9 a.m. and 7 p.m.	Southeast Regional Office Lee Park, 555 North Lane Conshohocken, PA.

October 5, 1998—7 p.m.  
October 6, 1998—9 a.m.

Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA.

October 28, 1998  
9 a.m. and 7 p.m.

Northeast Regional Office  
Two Public Square  
Wilkes-Barre, PA.

#### *J. Public Comment and Public Hearings*

##### *Public Hearings*

The Board will hold six public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 7 p.m. on the following dates and at the following locations:

October 29, 1998	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA.
November 2, 1998	Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA.
November 4, 1998	Northwest Regional Office 230 Chestnut Street Meadville, PA.
November 5, 1998	Northcentral Regional Office 208 North Third Street Williamsport, PA.
November 9, 1998	Northeast Regional Office Two Public Square Wilkes-Barre, PA.
November 10, 1998	Southeast Regional Office Lee Park, 555 North Lane Conshohocken, PA.

The Department is specifically requesting comments on three issues.

First, the proposed amendments apply to all mobile equipment repair and refinishing facilities regardless of their size or the amount of material used. The Department requests comments on this approach.

Second, the Department is proposing that these facilities meet the permitting requirements contained in Chapter 127 of the Department's regulations. The Department is proposing to implement the permit program through the use of a general permit. The Department is also considering establishing a permit by rule for smaller facilities having less impact on air quality. The Department is requesting comments on these as well as any alternative permitting or approval methods that will simplify compliance with these requirements.

Finally, the Department is requesting comments on the applicability of the provisions related to application techniques, housekeeping, pollution prevention and training measures to rural areas of this Commonwealth where the VOC reductions may not have a significant impact on attainment.

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodations to participate, should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

*Written Comments*

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, 15th Floor Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by December 10, 1998. In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by December 10, 1998. The summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

*Electronic Comments*

Comments may be submitted electronically to the Board at Regcomments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by December 10, 1998.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-334. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

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

\* \* \* \* \*

***Automobile primer-sealer***—A coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting the following:

- (i) Adhesion of subsequent coatings.
- (ii) Color uniformity.

(iii) The ability of the undercoat to resist penetration by the topcoat.

\* \* \* \* \*

***Automotive pretreatment***—A primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment components to provide corrosion resistance and to promote adhesion of subsequent coatings.

***Automotive primer-surfacer***—A coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of:

- (i) Filling surface imperfections in the substrate.
- (ii) Providing corrosion resistance.
- (iii) Promoting adhesion of subsequent coatings.

***Automotive specialty coating***—Coatings, including, but not limited to, elastomeric coatings and adhesion promoters for plastic parts, antiglare/safety coatings, bright metal trim repair coatings, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle.

***Automotive topcoat***—A coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification.

\* \* \* \* \*

***Classic motor vehicle***—A motor vehicle, but not a reproduction thereof, manufactured at least 15 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

\* \* \* \* \*

***Mobile equipment***—Equipment which may be driven or is capable of being driven on a roadway including, but not limited to:

- (i) Automobiles.
- (ii) Trucks, truck cabs, truck bodies and truck trailers.
- (iii) Buses.
- (iv) Motorcycles.
- (v) Utility bodies.
- (vi) Camper shells.
- (vii) Mobile cranes.
- (viii) Bulldozers.
- (ix) Street cleaners.
- (x) Golf carts.
- (xi) Ground support vehicles, used in support of aircraft activities at airports.
- (xii) Farm equipment.

\* \* \* \* \*

**Touch up repair**—The application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than 1 inch in diameter.

\* \* \* \* \*

**CHAPTER 129. STANDARDS FOR SOURCES  
SOURCES OF VOCs**

(Editor's Note: Section 129.75 is proposed to be added and is printed in regular type to enhance readability.)

**§ 129.75. Mobile equipment repair and refinishing.**

(a) Except as provided in subsection (b), the requirements of this section apply to a person who applies mobile equipment repair and refinishing or color matched coatings to mobile equipment or mobile equipment components.

(b) This section does not apply to a person who applies surface coatings to mobile equipment or mobile equipment components under one of the following circumstances:

- (1) The surface coating process is subject to the miscellaneous metal parts finishing requirements of § 129.52 (relating to surface coating processes).
- (2) The surface coating process is at an automobile assembly plant.
- (3) The person applying the coatings does not receive compensation for the application of the coatings.

(c) The owner and the operator of an existing facility shall provide the Department with an identification of each facility to which this section applies on or before \_\_\_\_\_ (Editor's Note: The blank refers to a date 120 days from the effective date of adoption of this proposal), including:

- (1) The name of the facility.
- (2) The location and address of the facility.
- (3) The responsible official at the facility.
- (4) The telephone number of the facility.
- (5) The number of employes at the facility.

(d) After \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposal), the owner and operator of a new facility subject to this section shall provide notification to the Department immediately upon start-up of the facility which starts operation.

(e) Beginning \_\_\_\_\_ (Editor's Note: The blank refers to a date 12 months from the effective date of adoption of this proposal), a person may not apply to mobile equipment or mobile equipment components any automotive pretreatment, automotive primer-surfacer, automotive primer-sealer, automotive topcoat and automotive specialty coatings including any VOC-containing materials added to the original coating supplied by the manufacturer, that contain VOC's in excess of the limits specified in Table III.

Table III  
Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings  
Allowable VOC Content  
(as applied)  
Weight of VOC per Volume of Coating (minus water and non-VOC solvents)

Coating Type	Limit	
	Pounds per Gallon	Grams per Liter
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive specialty	7.0	840

(f) A person who provides mobile equipment repair and refinishing coatings subject to this section shall provide documentation concerning the VOC content of the coatings calculated in accordance with the following:

(1) The mass of VOC per combined volume of VOC and coating solids, less water and exempt compounds shall be calculated by the following equation:

$$VOC = \frac{(W_v - W_w - W_{ex})(D_c)}{100\% - (W_w)(D_c/D_w) - (W_{ex})(D_c/D_{ex})}$$

where:

VOC = VOC content in grams per liter (g/l) of coating less water and non-VOC solvents.

W<sub>v</sub> = weight of total volatiles, % (100% - weight % nonvolatiles).

W<sub>w</sub> = weight of water, %.

W<sub>ex</sub> = weight of non-VOC solvents, %.

D<sub>c</sub> = density of coating, g/l at 25° c.

D<sub>w</sub> = density of water, g/l at 25° c (0.997 x 10<sup>3</sup>).

D<sub>ex</sub> = density of exempt solvent, g/l, at 25° c.

To convert from grams per liter to pounds per gallon (lb/gal), multiply the result (VOC content) by 8.345 x 10<sup>-3</sup> (lb/gal/g/l).

(2) The VOC content of a multistage topcoat shall be calculated by the following equation:

$$VOC_{multi} = \frac{VOC_{bc} + \sum_{i=0}^M VOC_{mci} + 2(VOC_{cc})}{M + 3}$$

where:

VOC<sub>multi</sub> = VOC content of multistage topcoat, g/l.

VOC<sub>bc</sub> = VOC content of basecoat, g/l.

VOC<sub>mci</sub> = VOC content of the midcoat(s), g/l.

VOC<sub>cc</sub> = VOC content of the clear coat, g/l.

M = number of midcoats.

(g) Beginning \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 12 months from the effective date of adoption of this proposal), a person at an existing facility subject to this section shall use one or more of the following application techniques to apply any finish material listed in Table III:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roll coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure (HVLP) spraying.
- (8) Electrostatic spray.

(9) Other coating application methods that the person has demonstrated and the Department has determined achieve emission reductions equivalent to HVLP or electrostatic spray application methods.

(h) A new facility which starts operation after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal) shall use one or more of the following application techniques to apply to mobile equipment and mobile equipment components any finish material listed in Table III:

- (1) Flow/curtain coating.
- (2) Dip coating.
- (3) Roll coating.
- (4) Brush coating.
- (5) Cotton-tipped swab application.
- (6) Electrodeposition coating.
- (7) High volume low pressure HVLP spraying.
- (8) Electrostatic spray.

(9) Other coating application methods that the person has demonstrated and the Department has determined

achieve emission reductions equivalent to HVLP or electrostatic spray application methods.

(i) The following situations are exempt from the application equipment requirements in subsections (g) and (h):

(1) The use of airbrush application methods for stenciling, lettering and other identification markings.

(2) The application of coatings sold in nonrefillable aerosol containers.

(3) The application of touch-up and repair finish materials by brush.

(j) Spray guns used to apply mobile equipment repair and refinishing coatings shall be cleaned by one of the following:

(1) An enclosed spray gun cleaning system that is kept closed when not in use.

(2) Unatomized discharge of solvent into a paint waste container that is kept closed when not in use.

(3) Disassembly of the spray gun and cleaning in a vat that is kept closed when not in use.

(4) Atomized spray into a paint waste container that is fitted with a device designed to capture atomized solvent emissions.

(k) The owner and operator of a facility subject to this section shall implement the following housekeeping and pollution prevention and training measures:

(1) Fresh and used coatings, solvent, and cleaning solvents, shall be stored in nonabsorbent, nonleaking containers. The containers shall be kept closed at all times except when filling or emptying.

(2) Cloth and paper, or other absorbent applicators, moistened with coatings, solvents or cleaning solvents, shall be stored in closed, nonabsorbent, nonleaking containers.

(3) Handling and transfer procedures shall minimize spills during the transfer of coatings, solvents and cleaning solvents.

(4) Ensure that a person who applies mobile equipment repair and refinishing coatings has completed training in the proper use and handling of the mobile equipment repair and refinishing coatings, solvents and waste products to minimize the emission of air contaminants and to comply with this section.

(l) On or before \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 15 months after the effective date of adoption of this proposal) the owner and operator of a facility subject to this section shall apply for a permit in accordance with Chapter 127 (relating to construction, modification, reactivation and operation of sources).

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