



Volume 26 (1996)

Pennsylvania Bulletin
Repository

11-2-1996

November 2, 1996 (Pages 5217-5356)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: http://digitalcommons.law.villanova.edu/pabulletin_1996

Recommended Citation

Pennsylvania Legislative Reference Bureau, "November 2, 1996 (Pages 5217-5356)" (1996). *Volume 26 (1996)*. 44.
http://digitalcommons.law.villanova.edu/pabulletin_1996/44

This November is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 26 (1996) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.

PENNSYLVANIA BULLETIN

Volume 26
Saturday, November 2, 1996 • Harrisburg, Pa.
Number 44
Pages 5217—5356

See Part II page 5347
for the Environmental Quality Board
Sewage Facilities

Part I

In this issue:

The General Assembly
The Courts
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Infrastructure Investment
Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Architects Licensure Board
Underground Storage Tank Indemnification
Board

Detailed list of contents appears inside.

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

No. 264, November 1996

PENNSYLVANIA

BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

Copyright © 1996 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

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

Contents

THE GENERAL ASSEMBLY

Recent actions during the 1996 regular and special sessions of the General Assembly 5226

THE COURTS

LOCAL COURT RULES

Dauphin County

Rules of civil procedure; no. 1793 S 1989 5228

Washington County

Local rule L-4007: admission of persons to bail; no. 147 misc. 1996 5228

Westmoreland County

Adoption of Rules W1910.10 and W1910.12 governing hearing procedures 5229
Adoption of Rules W4001, W6001.1 and W6001.2 governing assessment appeals 5230

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications 5234

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

Availability of strategic community partnership and community revitalization program guidelines 5235

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 5235
Final FY 1996/1997 Project Priority List and FY 1996 Intended Use Plan; Water Pollution Control Revolving Fund Projects 5295

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards 5344
Federal Surplus Property Program 5335
Request for bids 5261
State contracts information 5337

DEPARTMENT OF HEALTH

Notices

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; public meetings 5261

DEPARTMENT OF PUBLIC WELFARE

Notices

Increase in the Food Stamp heating and nonheating standard utility allowances 5261
Office of Medical Assistance Programs; intergovernmental transfer of funds—nursing facility payments 5261

DEPARTMENT OF TRANSPORTATION

Notices

Application for lease of right-of-way (2 documents) 5266
Retention of engineering firms 5262

ENVIRONMENTAL HEARING BOARD

Notices

Panther Creek Partners v. DEP; EHB doc. no. 95-114-MR 5266
TIG Insurance Co. and American States Insurance Co. v. DEP; EHB doc. no. 95-119-R (consolidated) 5267
The Township of Washington v. DEP; doc. no. 95-154-R 5268
Utica Mutual Insurance Company v. DEP; EHB doc. no. 96-072-R 5269
William Ramagosa, Sr., et al. v. DEP; EHB doc. no. 89-97-M (consolidated) 5269

ENVIRONMENTAL QUALITY BOARD

Rules and Regulations

Sewage facilities 5347

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Meeting notice 5270

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission (2 documents) 5270, 5289
Notice of filing of final-form rulemakings 5294

INSURANCE DEPARTMENT

Notices

Independence Blue Cross; Second Amended/Restated Integrated Prescription Drug Program Master Agreement; filing no. 14-P-96 5294
Workers' Compensation Security Fund Assessment 5294

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Final FY 1996-1997 Project Priority List and FY 1996 Intended Use Plan; Water Pollution Control Revolving Fund Projects 5295

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Bureau of Transportation and Safety v. CSX Transportation, Incorporated; railroad 5332
Charlestown Township; railroad 5332
Consolidated Rail Corporation; railroad 5332
Philadelphia Suburban Water Company; water service (2 documents) 5334
Service of notice of motor carrier applications 5332

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for proposals (2 documents) 5334

STATE ARCHITECTS LICENSURE BOARD

Rules and Regulations

General provisions (correction) 5233

UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD

Rules and Regulations

Commercial heating oil tank optional program 5231

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

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

1 Pa. Code (General Revisions)

Proposed Rulemaking

101	332
103	332

4 Pa. Code (Administration)

Adopted Rules

1	856
5	2288, 2290, 2292, 4515
39	993

Statements of Policy

1	593, 1146
9	596, 913, 1147, 1377, 1560, 2010, 2419, 2712, 2822, 3550, 3849, 4244, 4655, 4767, 4904, 5118
86 (with correction)	4906, 5013

7 Pa. Code (Agriculture)

Adopted Rules

10	2184
20	4218
21	161
49	2707
59	3129
78	2707
79	2707
80	2707
81	2707
82	2707
104	2783, 3534
130b	4723

Proposed Rulemaking

3	3837
5	3837
7	3837
8	3837
9	3837
59	3546
110	1558
138h	1555

Statements of Policy

17a	1271
105	4526
138g	1149

13 Pa. Code (Commerce and Trade)

Adopted Rules

57	2905
205	483

Statements of Policy

55	2923
----------	------

16 Pa. Code (Community Affairs)

Adopted Rules

5	2707
---------	------

Proposed Rulemaking

15	2323
29	4432

17 Pa. Code (Conservation and Natural Resources)

Adopted Rules

11	2707
15	2707
17	2707
21	2707
23	2707
25	2707
27	2707
29	2707
41	2707
43	2707
45	2707
47	2707
51	2707
61	2707

22 Pa. Code (Education)

Adopted Rules

73	4334
121	3321

Proposed Rulemaking

211	232
213	232

Notices

44	1060
----------	------

25 Pa. Code (Environmental Protection)

Adopted Rules

11	2707
17	2707
18	2707
31	2707
51	2707
52	2707
71	5347
72	5347
73	5347
81	2707
82	2707
86 (with correction)	324, 4181
93	2192
107	2707
151	2707
153	2707
155	2707
157	2707
175	2707
177	2707
191	2707
193	2707
195	2707
245	4735
975	5231
1021	4222

Proposed Rulemaking

71	1491
72	1491
73	1491
93	3637
127	1139

245 3073
 250 3985
 260 1828
 261 1828, 3801
 262 1828, 3801
 263 1828
 264 1828, 3801
 265 1828, 3801
 266 1828, 3801
 267 1828
 269 1828
 270 1828
 285 2790
 901 3537
 971 491
 Unclassified 591

Statements of Policy

105 494

Notices

105 526

28 Pa. Code (Health and Safety)

Adopted Rules

18 2707
 19 2707
 20 2707
 701 567
 704 567

Statements of Policy

9 1629

31 Pa. Code (Insurance)

Adopted Rules

89 2196
 113 230
 149 1705
 151 1705

Proposed Rulemaking

27, Appendix A 752
 113 4434
 163 996

Statements of Policy

301 1636

Notices

89, Appendix G 3958
 89, Appendix H 3958

34 Pa. Code (Labor & Industry)

Adopted Rules

50 1552

Proposed Rulemaking

65 4347
 101 1141
 203 1133
 401 4992

37 Pa. Code (Law)

Proposed Rulemaking

55 2907
 58 5011
 81 4988
 201 2793
 203 2793

Statements of Policy

56 1057
 59 5015

40 Pa. Code (Liquor)

Adopted Rules

5 2209
 11 1353

Proposed Rulemaking

5 31

43 Pa. Code (Military Affairs)

Notices

7 545, 1188

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

1 866
 5 324
 7 325
 9 (with correction) 5101, 5233
 15 327
 16 487, 4411
 21 2005
 25 485, 3832
 29 328
 31 2785
 36 5103, 5104, 5105
 37 5106
 39 330
 40 5110

Proposed Rulemaking

5 1001
 13 1011
 16 1014, 5009
 18 757
 21 1017, 4652
 23 1023
 25 591, 757, 1027
 27 1030, 1032
 29 1047
 31 4765
 33 1004
 36 489
 40 1043
 41 1050, 2819
 42 1020
 45 1008
 47 1053

Statements of Policy

43a 2100

51 Pa. Code (Public Officers)

Rules and Regulations

11 4524
 19 4524

52 Pa. Code (Public Utilities)

Adopted Rules

55 5111
 57 590, 3339
 59 1265
 60 1265
 69 1265

Proposed Rulemaking

1 1358
 3 1358

5 2325
 21 1358
 23 1358
 29 1358, 2808
 30 2808
 31 1358, 2808
 37 2325
 53 2325
 56 2325, 2908
 59 (with correction) 1370, 2805, 2908, 4091
 63 2810, 4095
 64 2810
 65 2211
 69 2325, 4091
 71 2325

Statements of Policy

53 1377
 69 1377, 1380, 3851
 93 1377
 Unclassified 756

55 Pa. Code (Public Welfare)

Adopted Rules

140 2412
 183 2321
 1181 4086
 5320 867

Proposed Rulemaking

181 1715
 3040 3433

Statements of Policy

100 596
 140 2213
 3040 596
 3270 3552, 3553, 3554
 3280 3552, 3553, 3554
 3290 3552, 3553, 3554
 6000 1563, 1829

Notice of Rule Changes

125 945
 133 945
 141 805, 806, 945
 178 805
 181 805
 227 69
 1101 2132, 5058
 1121 806
 1153 806
 Unclassified 2865

Notices

181 1762
 501 714
 1181 259

58 Pa. Code (Recreation)

Adopted Rules

53 1706, 1822
 61 1706, 1825
 63 1706
 65 1706, 2995
 69 1706
 77 1825
 93 1822
 95 1822
 97 1706, 1822
 101 1822

103 1822
 111 1822
 113 1822
 117 1822
 135 4339
 139 4339
 141 884, 4339
 147 884, 1131
 183 3636

Proposed Rulemaking

51 2792
 53 168, 2709
 61 168
 63 168
 69 168, 2328
 91 2709
 107 2709
 111 2328, 2709
 135 1354, 3645
 139 907
 141 1354, 3645
 143 3645
 163 4653

Notices

Unclassified 547, 720, 953, 1042, 1769, 1875

61 Pa. Code (Revenue)

Adopted Rules

5 4089
 103 (with correction) 887, 994
 108 (with correction) 887, 994
 117 (with correction) 887, 994
 125 (with correction) 887, 994
 817 1268
 853 2006
 854 2006
 856 2006
 857 2006
 859 2006
 860 2006
 861 2006
 864 2006

Proposed Rulemaking

9 2007, 2919
 47 2007, 2919
 55 893
 60 893

Notices

60 1872

64 Pa. Code (Securities)

Adopted Rules

203 30

67 Pa. Code (Transportation)

Adopted Rules

105 3833
 171 4411
 175 4640
 203 3130

Proposed Rulemaking

43 3839
 175 4230
 177 1221
 231 2416
 457 895

Statements of Policy
 202 1563

201 Pa. Code (Judicial Administration)
Adopted Rules
 5 2985

Proposed Rulemaking
 1 3124

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 29 4634
 71 4635
 81 3624, 4213, 4214
 82 984, 2096, 3624, 4760
 83 1806, 3624, 4519
 85 1984
 89 1984
 211 4636
 Unclassified 3530

Proposed Rulemaking
 81 2090, 2094
 85 7
 89 7, 3626
 303 3404

207 Pa. Code (Judicial Conduct)
Adopted Rules
 101 2782
 117 2782
 Unclassified 1677, 2097, 2296

Proposed Rulemaking
 101 862
 117 862
 201 661
 215 661
 Unclassified 1550

210 Pa. Code (Appellate Procedure)
Adopted Rules
 3 1985
 11 2482
 65 2985

Proposed Rulemaking
 1 1988
 3 1988
 7 1988
 9 1988
 11 1988
 13 1988
 15 1988
 17 1342, 1988
 19 1988
 21 1988
 23 1988
 25 1988
 33 1988
 51 1988

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 159, 585, 1129
 1000 862, 4216
 1910 4892
 1920 4892
 2020 4985
 2050 4985

2200 4985
 2950 1806, 4636
 2970 1814, 3531
 2980 1806
 3000 1806, 1814
 4000 227

Proposed Rulemaking
 200 427
 400 428
 1300 1262, 5095
 1900 2402
 1910 1818, 3627
 1920 1818, 2992
 2020 429
 2050 429
 2200 429
 3000 2482, 5095
 4000 431, 1818, 5098
 Part II 407

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 1 1684
 20 3126
 50 436, 3628
 100 436, 1684, 1688, 3126, 4894
 300 8, 2486, 3126
 1100 438, 1684
 1400 13, 1684, 4898
 1500 3126
 4000 1684
 6000 989, 1684, 1688, 3126
 9000 3531

Proposed Rulemaking
 50 2166, 3630, 4892
 100 2307, 3630, 4895
 200 2307
 1400 1343
 1500 2296
 6000 2307
 9000 2307

246 Pa. Code (Minor Court Civil Rules)
Adopted Rules
 500 1691, 1999
 1000 1691, 1999

Proposed Rulemaking
 500 312
 1000 312

249 Pa. Code (Philadelphia Rules)
 Unclassified 15, 159, 585, 661, 662, 748, 865, 991,
 1129, 1130, 2319, 2409, 2410, 2489, 2902,
 3830, 4323, 4329

252 Pa. Code (Allegheny County Rules)
 Unclassified 314, 1999, 2000

255 Pa. Code (Local Court Rules)
 Unclassified 160, 323, 439, 464, 586, 587, 662,
 665, 678, 750, 865, 992, 1130, 1263, 1351, 1352,
 1550, 1551, 1696, 1704, 1820, 2001, 2002, 2003,
 2097, 2098, 2167, 2183, 2320, 2410, 2705, 2782,
 2903, 2904, 3316, 3318, 3432, 3633, 4081, 4084,
 4333, 4519, 4523, 4637, 4638, 4760, 4762, 4763,
 4901, 4902, 5099, 5228, 5229, 5230

PENNSYLVANIA BULLETIN

Volume 26
Saturday, November 2, 1996 • Harrisburg, Pa.

Number 44

Part II

This part contains the
Environmental Quality Board
Sewage Facilities

PENNSYLVANIA

BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

Copyright © 1996 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

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

THE GENERAL ASSEMBLY

Recent Actions During the 1996 Regular and Special Sessions of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1996 Regular and Special Sessions.

1996 ACTS—Acts 118 through 128 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-118	Oct. 7	SB1332	PN2203	60 days*	Vehicle Code (75 Pa.C.S.)—determination of driver or applicant incompetency and judicial review and supersedeas
1996-119	Oct. 7	SB1431	PN2131	120 days	Domestic Relations Code (23 Pa.C.S.) and Judiciary and Judicial Procedure (42 Pa.C.S.)—omnibus amendments
1996-120	Oct. 16	HB1053	PN3456	60 days	Real and Personal Property (68 Pa.C.S.)—operation and suspension of adult-oriented establishments
1996-121	Oct. 16	HB1886	PN3937	60 days	Agricultural Area Security Law—agricultural security areas and conservation easements
1996-122	Oct. 16	HB1985	PN4000	60 days	Motor Vehicle Sales Finance Act—repossession of motor vehicle
1996-123	Oct. 16	SB80	PN1578	90 days	Insurance Company Law of 1921, The—official vehicle inspection station loss of liability insurance; insurer notification to Department of Transportation
1996-124	Oct. 16	SB434	PN2306	60 days	Domestic Relations Code (23 Pa.C.S.)—omnibus amendments
1996-125	Oct. 16	SB742	PN2132	Immediately	Local Government Unit Debt Act—small borrowing for capital purposes
1996-126	Oct. 16	SB1220	PN2303	Immediately	Bradford County Veterans Memorial Bridge, Jimmy Stewart Boulevard and Louis A. Magnano Interchange—designations
1996-127	Oct. 16	SB1433	PN2200	60 days	Charitable Gift Annuity Exemption Act—enactment
1996-128	Oct. 16	SB1466	PN2310	60 days	Crimes Code (18 Pa.C.S.)—theft of trade secrets, trademark counterfeiting, expungement of criminal records and penalties

*with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

Legislative Bills and Documents

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, telephone (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, telephone (717) 787-5320.

CARL MEASE,
Acting Director

[Pa.B. Doc. No. 96-1830. Filed for public inspection November 1, 1996, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Rules of Civil Procedure; No. 1793 S 1989

Order

And Now, this 18th day of October, 1996, Dauphin County Rules of Civil Procedure are amended as follows:

Rule 211. Argument Court.

A. MATTERS CONSIDERED

* * * * *

(3) Preliminary objections to the existence or exercise of jurisdiction or venue in any action brought under the Domestic Relations Code (23 Pa.C.S.) shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

Rule 215.1. Jury Trials.

* * * * *

(2) OBJECTIONS AND MOTIONS FOR CONTINUANCE

(a)(i) At least three (3) weeks prior to the first day of the trial session any and all objections by a party to the listing of a case [listed in accordance with Rule 215.1(1)] must be [submitted to the Court Administrator, with a copy to each counsel of record.] presented in the form of a motion to strike. The motion shall contain a procedural history of the case and a detailed statement as to why the objection is being made. The motion must be filed with the Prothonotary, with copies served upon all other counsel and the Court Administrator's Office.

(ii) In cases which are otherwise ready for trial, a party shall move for a continuance pursuant to Pa.R.Civ.P. 216. Such motions will be heard by the Calendar Judge unless the case has been previously assigned to another member of the court.

(b) Objections [to the listing of a case] and motions for continuance submitted in accordance with Rule 215.1(2)(a) will be heard by the Calendar Judge, as provided for in Rule 215.1(5), on the Friday of the third week prior to the trial session.

* * * * *

Rule 215.2. Non-Jury Trials and Other Proceedings.

(1) Non-jury proceedings include, but are not limited to, Non-Jury Civil Actions, Equity, Discovery Motions, Change of Name Petitions, Special Relief in Divorce Petitions, and Minor Settlement Petitions, [Appeal] Appeals from License Suspension, Exceptions to Divorce Master's Report, Tax Sale Exceptions, Preliminary Objections to Jurisdiction or Venue in Actions under the Domestic Relations Code, and Class Actions.

* * * * *

Rule 1910.7. Question of Jurisdiction or Venue.

Preliminary objections to the existence or exercise of jurisdiction or venue in any support action

shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

Rule 1915.5. Question of Jurisdiction or Venue. No Responsive Pleading Required. Counterclaim.

* * * * *

(c) Preliminary objections to the existence or exercise of jurisdiction or venue in any custody action shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

Rule 1920.2. Question of Jurisdiction or Venue.

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition in accordance with Dauphin County Local Rule of Civil Procedure 215.2.

These amendments shall be effective 30 days after publication in the Pennsylvania Bulletin.

By the Court

CLARENCE C. MORRISON,
President Judge

[Pa.B. Doc. No. 96-1831. Filed for public inspection November 1, 1996, 9:00 a.m.]

WASHINGTON COUNTY

Local Rule L-4007: Admission of Persons to Bail; No.: 147 Misc. 1996

Order

And Now, this 7th day of October, 1996, It Is Hereby Ordered that Local Rule L-4006 be rescinded and that Local Rule L-4007 be adopted as follows:

This amendment shall become effective thirty days after publication in the Pennsylvania Bulletin.

THOMAS D. GLADDEN,
President Judge

L-4007—Bail.

This Rule is intended to implement percentage cash bail as provided by Pa.R.Crim.P. 4007.

a. Bail by approved surety companies, cash, real estate, or bearer bonds, in accordance with Pa.R.Crim.P. 4007 shall remain as heretofore.

If the issuing authority who fines the amount of bond, Judge or District Justice, as the case may be, desires to render paragraph 2 hereof inoperative, he may do so by any language that makes it clear that the full face amount of the bond is to be posted. This of course may be done in any permissible mode: cash, the bond of a good reputable surety company, justification of surety with two owners of, sufficient real estate, bearer bonds, or an acceptable commercial bail bondsman.

b. In substitution for bail of the type specified in Paragraph 1, the issuing authority where he has jurisdiction, or the Court, as the case may be, after setting bail

in accordance with the criteria of Rule No. 4002, may admit such person to bail upon compliance with the following conditions:

1. The defendant shall execute an appearance bond in the full amount so determined, and

2. The defendant or any other person, a resident of the Commonwealth of Pennsylvania, shall deposit with the issuing authority or Clerk of Courts an amount in lawful currency of the United States equivalent to ten (10%) percent of the total amount of the appearance bond demanded, provided, however, that the defendant executes a written consent to the disposition of the amount so deposited.

i. In the event the defendant is found not guilty or the charges are dismissed, the amount so deposited shall be refunded to the defendant or other person making the deposit, less a service fee in the amount of \$50.00 for the use of the County of Washington.

ii. In the event the defendant is found guilty, the amount so deposited by the defendant shall be refunded to the defendant, after deduction of the costs of prosecution, the fine, restitution, if any, and a service fee of \$50.00 for the use of the County of Washington. If any other person deposits the bail and the defendant is found guilty, the amount so posted shall be refunded to the other person less the \$50.00 fee.

c. Where the defendant is released under the provision of Paragraph 2 of this rule, he shall keep the issuing authority, and after the case is held for Court, the District Attorney advised of any change of address. All notices of hearing, indictment, arraignment, or trial shall be sent to the defendant and to the person depositing bail. The mailing of notice to defendants' last known address shall constitute sufficient notice.

d. Forfeiture of bail shall be governed by Pa.R.Crim.P. 4016.

e. All service fees collected by any issuing authority in cases that are held for Court shall be transmitted to the Clerk of Courts by check with the papers being filed.

f. Whenever real estate is used as a surety for bail, the defendant or the party placing bail for the defendant shall file a certificate, under oath, which lists the real estate owned anywhere outside of the Commonwealth but within the United States by the person placing the bail. Such certification shall include:

1. A certified copy or the original deed for each tract of real estate being used as bail surety.

2. Attached to the certification shall be an appraisal of the fair market value of the real estate as certified by a licensed real estate broker in the county in which the real estate is located: or a document from the Tax Assessment Office listing owner(s) name and market value and appraised value.

3. A certification by an attorney who practices in the jurisdiction where the real estate is owned, or a certificate of a duly qualified/certified title searcher listing the encumbrances, mortgages, and liens against the real estate, and the unpaid balance of each encumbrance as of the date of the statement, at a minimum, from the date of the deed to the person(s) desiring to become surety.

4. Upon receipt of the above listed items, the Clerk will deduct any mortgages, judgments, or encumbrances from

the fair market value of the property, to determine if there is sufficient equity to post bail.

5. Upon approval and execution of the bail undertaking and prior to release from confinement of the defendant, the Clerk will notify the surety that a judgment will be placed in the Office of the Prothonotary, for the full face amount of the bail. The Clerk will further notify the surety that the bail and judgment will remain in full force and effect until the full and final disposition of the case, up to and including the appellate process.

6. At the full and final disposition of the case, the Clerk will notify the surety by regular mail that the matter has been resolved and that the judgment may be lifted upon payment of the appropriate fee to the Prothonotary of the county in which the judgment was placed.

[Pa.B. Doc. No. 96-1832. Filed for public inspection November 1, 1996, 9:00 a.m.]

WESTMORELAND COUNTY

Adoption of Rules W1910.10 and 1910.12 Governing Hearing Procedures

Order of Court

And Now, to wit this 7th day of October, 1996, It Is Hereby Ordered, Adjudged, and Decreed that Westmoreland County Civil Rules W1910.10 and 1910.12 are adopted. Rule W1910.11 is repealed. The effective date of these changes is thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court

BERNARD F. SCHERER,
President Judge

Rule W1910.10. Alternative Hearing Procedures.

Actions in support shall proceed under Rule W1910.12.

Rule W1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) No request for further hearings will be accepted if an agreement is reached pursuant to Pa.R.C.P. No. 1910.12(a).

(b) A party wishing to confirm and preserve a scheduled *de novo* hearing before a hearing officer shall pay costs in the amount of \$50.00 to the domestic relations section within 10 days of the mailing of the interim order.

(c) The requesting party shall send a copy of the notice confirming or requesting a hearing before the hearing officer to the opposing counsel or, if unrepresented, to the opposing party.

(d) Upon filing of exceptions to the hearing officer's report, the moving party shall deposit \$50.00 with the domestic relations division toward the cost of transcript preparation.

(e) No request, confirmation, or costs for a hearing before the hearing officer will be accepted if not received by the domestic relations section within 10 days of the mailing of the interim order.

[Pa.B. Doc. No. 96-1833. Filed for public inspection November 1, 1996, 9:00 a.m.]

WESTMORELAND COUNTY

**Adoption of Rules W4001, W6001.1 and W6001.2
Governing Assessment Appeals****Order of Court**

And Now, to wit this 3rd day of October, 1996, It Is Hereby Ordered, Adjudged, and Decreed that Westmoreland County Civil Rules W4001, W6001.1, and W6001.2 are adopted. Rule W209 is hereby re-numbered to W206 to conform with the Pennsylvania Supreme Court Rules of Civil Procedures. The effective date of these changes is thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court

BERNARD F. SCHERER,
President Judge

Rule W4001. Assessment Appeals Discovery.

Discovery pursuant to the Pennsylvania Rules of Civil Procedure shall be permitted during an appeal filed in the Court of Common Pleas from a real estate assessment fixed by the Board of Assessment Appeals.

Rule W6001.1. Assessment Appeals; Applicability of Rules of Civil Procedure.

The Pennsylvania Rules of Civil Procedure shall be applicable to all assessment appeals filed in the Court of Common Pleas of Westmoreland County.

Rule W6001.2. Board of Assessment Appeals; Petition and Proposed Decree.

In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the petition for allowance of appeal shall have attached to it a photocopy of the appealed-from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide that:

(a) The appeal to court is permitted and the case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure.

(b) Within 5 days from the date of the preliminary decree, the appellant shall serve, pursuant to the Rules of Civil Procedure governing service of original process, a copy of the petition and preliminary decree upon the said Board; upon the County, the municipality, and the school district in which the real estate is situate; and upon the property owner, if the owner is not the appellant.

[Pa.B. Doc. No. 96-1834. Filed for public inspection November 1, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD

[25 PA. CODE CH. 975]

Commercial Heating Oil Tank Optional Program

The Underground Storage Tank Indemnification Board (Board) adopts Chapter 975 (relating to heating oil tank optional program) to read as set forth in Annex A. These regulations are promulgated under sections 701—709 of the Storage Tank and Spill Prevention Act (act) (35 P. S. §§ 6021.103, 6021.105, 6021.306, 6021.501—6021.503, 6021.507 and 6021.701—6021.709).

Purpose

These regulations establish the Heating Oil Tank Optional Program (Program) and thereby implement the amendments to the Storage Tank and Spill Prevention Act created by the act of June 26, 1995 (P. L. 79, No. 16) (Act 16). Act 16 eliminated the mandate that owners or operators of certain heating oil underground storage tanks participate in the Underground Storage Indemnification Fund (Fund), but established a process for elective participation in the Fund. Act 16 requires the Board to establish regulations, procedures and criteria for allowing these tanks to opt into the Fund.

Effective August 25, 1995, Act 16 exempts heating oil tank owners or operators from mandatory coverage by the Fund retroactive to January 1, 1995. In place of mandatory coverage, Act 16 provides for optional coverage. The purpose of these regulations is to set forth criteria and procedures for opting-in to coverage. If no opt-in criteria are in place, the regulated community will not have clear rules for ensuring that a leak from a heating oil tank is covered, thereby potentially exposing the owner or operator and any impacted third parties to adverse financial and safety consequences. Tank owners or operators who had been covered by the Fund until August 25, 1995, may believe they have coverage; as a result of Act 16, they will not have that coverage unless they affirmatively opt-in.

The Board finds that, under sections 201 and 202 the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) proposed rulemaking procedures have been omitted under section 204(3) of the CDL (45 P. S. § 1204(3)) because, under the current circumstances, these procedures would be unnecessary, impracticable and contrary to the public interest. The Board finds that public notice is not required because the affected parties have been notified of the changes in law and the procedure in section 204(2) of the CDL. Heating oil tank owners or operators were sent actual notice of the opt-in procedures and provided with the opt-in forms described in these regulations by first-class mail during August 1995. Heating oil tank owners and operators were also given notice by virtue of the Board's discussion of the opt-in criteria and procedures at a public meeting held July 18, 1995. No concerns about the opt-in procedures have been voiced to the Board since the process was first announced. Finally, the Board finds that public comments are not necessary under section 204(1)(iii) of the CDL (45 P. S. § 1204(1)(iii)) because the regulations relate to a change in agency procedure.

Explanation of Regulatory Requirements

The regulations establish the procedure for owners or operators of heating oil tanks to obtain coverage by the Fund. The following is a brief description of the most significant sections:

Section 975.1 (relating to definitions) sets forth the operative terminology for the program by defining heating oil tank terms.

Section 975.2 (relating to scope) articulates the scope of the regulations, namely, the establishment of the optional heating oil tank program.

Section 975.3 (relating to opt-in requirements) outlines the steps owners or operators of existing heating oil tanks and newly installed heating oil tanks must take in order to obtain coverage from the Fund. The steps include completing an application provided by the Fund, providing a successful tank tightness test result and submitting a \$100 deposit to the Fund.

Section 975.4 (relating to coverage period) provides that compliance with the opt-in requirements of § 975.3 entitles the heating oil tank owner or operator to Fund coverage effective as of the date the application is received by the Fund. Coverage is continuous if all fees are paid within 30 days of the due date on the Fund invoice.

Section 975.5 (relating to cancellation of coverage) provides for two means of cancellation. First, a heating oil tank owner or operator may voluntarily terminate coverage by providing advance written notice to the Fund. Second, heating oil tank coverage will be terminated by the Fund as of the due date on the invoice for failure to remit fees. Heating oil tank owners or operators, like other underground storage tank owners or operators, may reinstate coverage under section 706(e) of the act (35 P. S. § 6021.706(e)) by paying a 5% late charge.

Section 975.6 (relating to dispute procedures) sets forth the manner of reviewing disputed Fund staff decisions by the Fund Executive Director. Appeals from the Executive Director's decision can be made to the Board within 10 days and are governed by 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

Fiscal Impact

Regulated Community

New heating oil tank owners or operators opting into the program will bear the cost of tank tightness tests and the \$100 deposit to the Fund.

Fund

Under applicable law, the fee to be charged to heating oil tank owners who choose to participate in the Fund is required to be actuarially sound. Permitting additional participants on a voluntary basis will not have an adverse fiscal impact on the Fund.

Commonwealth

The acceptance of applications from participants on a voluntary basis will not have an adverse fiscal impact on the Insurance Department, which administers the Fund. Finally, because the Fund receives no General Fund revenues, there is no fiscal impact on the Commonwealth.

*Paperwork**Regulated Community*

There will be minimal additional paperwork for those tanks owners who choose to opt-into Fund coverage. An application form will be required for those tank owners who choose to apply for coverage, and tank tightness test results must be submitted. To discontinue coverage, owners must submit a letter.

Fund

The paperwork impact on the Fund will be reduced, because fewer than all heating oil tank owners or operators will now be covered by the Fund.

Commonwealth

There is no paperwork impact on the Commonwealth.

Persons Affected

The regulations apply to owners or operators of heating oil tanks who want to participate in the Fund on or after the effective date of these regulations.

Effectiveness/Sunset Date

The regulations are effective upon final publication in the *Pennsylvania Bulletin*. The regulations will be monitored periodically. No sunset date has been assigned.

Contact Person

Questions or comments concerning this issue should be addressed in writing to Ronald A. Gallagher, Jr., P.E., Executive Director, Underground Storage Tank Indemnification Fund, 901 North 7th Street, Harrisburg, PA 17102.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the regulations on September 18, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Environmental Resources and Energy Committee and the House Environmental Resources and Energy Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, the regulations were deemed approved by the House Committee on October 8, 1996, and deemed approved by the Senate Committee on October 8, 1996. IRRC met on October 17, 1996, and deemed approved the regulations.

Findings

The Board finds that there is good cause to forego public notice of the intention to adopt Chapter 975 because notice of the change would be unnecessary, impractical, and contrary to the public interest. Submitting notice for public comment is found to be unnecessary under section 204 of the CDL for the following reasons:

(1) Affected owners or operators who had mandatory coverage prior to August 25, 1995, the effective date of Act 16, have been notified of the change from a mandatory to voluntary program by the public meeting of the Board and by first class mail.

(2) Adopting the regulations merely clarifies the procedures and qualifying requirements for owners or operators of commercial heating oil tanks to voluntarily participate in the Fund.

Order

The Board acting under the act, orders that:

(a) The regulations of the Board, 25 Pa. Code, are amended by adding §§ 975.1—975.6 to read as set forth in Annex A.

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

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

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

RONALD A. GALLAGHER, Jr., P.E.,
Executive Director

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5289 (November 2, 1996).)

Fiscal Note: 11-128. No fiscal impact; (8) recommends adoption. The fee charged to heating oil tank owners who choose to participate in the Underground Storage Tank Indemnification Fund will be actuarially sound. There will be no adverse fiscal impact to the Fund or to the Commonwealth.

Annex A**TITLE 25. ENVIRONMENTAL PROTECTION****PART VIII. UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD****CHAPTER 975. HEATING OIL TANK OPTIONAL PROGRAM**

Sec.	
975.1.	Definitions.
975.2.	Scope.
975.3.	Opt-in-requirements.
975.4.	Coverage period.
975.5.	Cancellation of coverage.
975.6.	Dispute procedures.

§ 975.1. Definitions.

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

Act—The Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104).

Board—The Underground Storage Tank Indemnification Board.

Fees—The fees paid by owners or operators of heating oil product USTs, calculated in accordance with section 705(d) of the act (35 P. S. § 6021.705(d)) and found at § 971.2(3) (relating to fees).

Fund—The Underground Storage Tank Indemnification Fund.

Heating oil products—Regulated substances as defined in section 103 of the act (35 P. S. § 6021.103) including, but not limited to, the following substances: Heating oil No. 1, Heating oil No. 2, Heating oil No. 4, Heating oil No. 6, bunker fuels, residuals, waste oils and kerosene.

Heating oil tank—An underground heating oil tank with a capacity of 3,000 gallons or greater used for storing heating oil products for use on the premises.

UST—An underground storage tank.

§ 975.2. Scope.

This chapter sets forth the requirements and procedures for heating oil tank owners or operators to participate in the Fund.

§ 975.3. Opt-in requirements.

To obtain coverage from the Fund on or after November 2, 1996, owners or operators of existing heating oil tanks and owners or operators of newly-installed heating oil tanks shall comply with the following requirements:

- (1) Complete and submit an application form supplied by the Fund.
- (2) Provide the Fund with a copy of a successful tank tightness test result utilizing an Environmental Protection Agency (EPA) approved testing system. The test shall have been completed within the 30-day period preceding the application date.
- (3) Submit a \$100 fee deposit. The fee deposit will be credited to the owner's or operator's account if the application is approved or returned to the owner or operator if the application is rejected.

§ 975.4. Coverage period.

If the Fund determines that the requirements in § 975.3 (relating to opt-in requirements) have been satisfied, coverage by the Fund will be effective from the date the application is received. Heating oil tanks in the program will have continuous coverage if all fees are paid within 30 days of the due date indicated on the fee invoices provided by the Fund. A fee is paid on the date the payment check is received by the Fund at the lock box address set forth on the invoice.

§ 975.5. Cancellation of coverage.

- (a) The owner or operator of a heating oil tank may cancel coverage by providing advance written notice to the Fund. Coverage will be terminated on the date notice is received by the Fund or on a later date as required by the owner or operator. Fee refunds will be made on a prorata basis.
- (b) An owner's or operator's failure to remit fees within 30 days of the fee due date as indicated on the fee invoice provided by the Fund will cause coverage to be cancelled effective the due date on that invoice. A fee is paid on the date the payment check is received by the Fund at the lock box address on the invoice. Coverage may be reinstated as provided in section 705(e) of the act (35 P. S. § 6021.705(e)).

§ 975.6. Dispute procedures.

- (a) Appeals of denials of applications by Fund staff shall be made in writing by heating oil tank owners or operators to the Executive Director of the Fund. Appeal shall be made within 30 days of the date of denial.
- (b) Appeals of the decisions of the Executive Director shall be made to the Board within 10 days under 1 Pa.

Code § 35.20 (relating to appeals from actions of the staff). Appeals shall be conducted in accordance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

[Pa.B. Doc. No. 96-1835. Filed for public inspection November 1, 1996, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE ARCHITECTS LICENSURE BOARD [49 PA. CODE CH. 9]

[Correction]

General Provisions

An error appeared in the document amending 49 Pa. Code § 9.3 at 26 Pa.B. 5101, 5102 (October 26, 1996). The correct version of § 9.3 is as follows:

§ 9.3. Fees.

(a) The cost of the ARE is \$980. The fee for each portion is:

Predesign	\$ 92
Site Planning.....	\$129
Building Planning	\$155
Building Technology.....	\$145
General Structures.....	\$108
Lateral Forces.....	\$ 79
Mechanical and Electrical	\$ 83
Material and Methods.....	\$ 90
Construction Documents and Services.....	\$ 99
(b) Initial license	\$ 30
(c) Reciprocal license.....	\$ 20
(d) Certification of licensure.....	\$ 15
(e) Biennial renewal of license.....	\$ 50
(f) Reactivation of lapsed or expired license	\$ 5

[Pa.B. Doc. No. 96-1788. Filed for public inspection October 25, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 22, 1996.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
10-21-96	Sentry Trust Company Chambersburg Franklin County	Nicholson Square Scotland Avenue Chambersburg Franklin County	Filed
	<i>Correspondent:</i>		
	Nicholas Bybel, Jr., Esq. and Robert C. May, Esq. Shumaker Williams, P. C. P. O. Box 88 Harrisburg, PA 17108		

Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-22-96	JeffBanks, Inc., Haverford, to acquire 100% of the voting shares of United Valley Bancorp, Inc., Philadelphia	Haverford	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-96	Jefferson Bank, Haverford, and United Valley Bank, Philadelphia surviving institution—Jefferson Bank, Haverford	Haverford	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-25-96	Farmers First Bank Lititz Lancaster County	WalMart Store 2034 Lincoln Highway E. E. Lampeter Township Lancaster County	Opened
10-15-96	First Savings Bank of Perkasie Perkasie Bucks County	400 Commerce Blvd. Quakertown Milford Twp. Bucks County	Opened
10-17-96	Mercer County State Bank Sandy Lake Mercer County	Route 62 Jackson Township Mercer County	Filed
10-17-96	Mercer County State Bank Sandy Lake Mercer County	115 W. Adams Street Cochranton Crawford County	Filed
10-17-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Cressler's Grocery Store 1075 W. King Street Shippensburg Franklin County	Approved
10-18-96	Twin Rivers Community Bank Easton Northampton County	1003 W. Broad St. Bethlehem Lehigh County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-21-96	Premier Bank Doylestown Bucks County	Southampton Shopping Center 516 Second Street Pike Southampton Bucks County	Filed

Section 112 Applications

<i>Date</i>	<i>Name of Individual</i>	<i>Action</i>
10-18-96	Howard E. Groff to acquire up to 15% of the common stock of Sterling Financial Corporation, Lancaster	Filed

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-18-96	ITE Credit Union Southampton Bucks County	Frankford and Linden Aves. Philadelphia Philadelphia County	Filed
10-21-96	Lee Hospital Credit Union Johnstown Cambria County	Laurel View Village Carpenters Park Road Davidsville Somerset County	Filed

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1836. Filed for public inspection November 1, 1996, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Availability of Strategic Community Partnership and Community Revitalization Program Guide- lines

The Department of Community and Economic Development gives notice that copies of the 1996-97 Strategic

Community Partnership Program Guidelines and the 1996-97 Community Revitalization Program Guidelines may be obtained by contacting the Office of Strategic Planning and Operations at (717) 787-7400.

THOMAS B. HAGEN,
Secretary

[Pa.B. Doc. No. 96-1837. Filed for public inspection November 1, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

Following the 30-day comment period, the Water 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 Community Relations Coordinator at (717) 657-4585. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0033553. Sewage, SIC: 4952, **Gehmans Mennonite School**, 650 Gehman School Road, Denver, PA 17517.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Muddy Run, in Brecknock Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Lancaster Municipal Water Authority located in Lancaster City, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0014 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Suspended Solids	30		60
Total Residual Chlorine	1.0		2.0
pH	from 6.0—9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	34,000/100 ml as a geometric average		

The EPA waiver is in effect.

PA 0026051. Sewage, SIC: 4952, **Borough of Chambersburg**, 100 South Second Street, Chambersburg, PA 17201.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Conococheague Creek in Chambersburg Borough, **Franklin County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was the Hagerstown, MD intake located on the Potomac River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 5.2 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22	45
(11-1 to 4-30)	25	40	75
Total Suspended Solids	30	45	90
NH ₃ -N			
(5-1 to 10-31)	3.5		12
(11-1 to 4-30)	10		36
Total Phosphorus	monitor and report		monitor and report
Total Residual Chlorine	monitor and report		
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	5,000/100 ml as a geometric average		

The proposed final effluent limits for Outfall 001 for a design flow of 6.8 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22	45
(11-1 to 4-30)	25	40	75
Total Suspended Solids	30	45	90

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	3.5		12
(11-1 to 4-30)	10		36
Total Phosphorus	monitor and report		monitor and report
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	4,500/100 ml as a geometric average		

Outfalls 002, 003 and 004 are stormwater only. No monitoring will be required.

The EPA waiver is not in effect.

PA 0084743. Industrial waste, SIC: 5541, **Exxon Company, USA**, 2567 University Avenue, Suite 5008, Morgantown, WV 26505.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Brush Run, in Hollidaysburg, **Blair County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .00075 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
pH (s.u.)	from 6.0—9.0 inclusive		
Total BTEX ⁽³⁾	0.1	0.2	0.25
Benzene	0.001	0.002	0.0025
Toluene	monitor and report		
Ethylbenzene	monitor and report		
Xylene	monitor and report		

The EPA waiver is in effect.

PA 0087556. Industrial waste, SIC: 5541, **The SICO Company**, Turkey Hill No. 37, P. O. Box 302, Mount Joy, PA 17552.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Cocalico Creek, in Denver Borough, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was Ephrata Joint Authority located in Ephrata Borough on the Cocalico Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.00288 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
pH (s.u.)	from 6.0—9.0 inclusive		
Total BTEX	0.1	0.2	0.25
Benzene	0.001	0.002	0.0025
Toluene	monitor and report		
Ethylbenzene	monitor and report		
Xylene	monitor and report		

The EPA waiver is in effect.

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

PA 0023957. Sewage, SIC: 4952, **McKean Township Supervisors**, P. O. Box 62, McKean, PA 16426.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Elk Creek in McKean Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there are no potable water supplies (PWS) to consider for the evaluation.

The proposed effluent limits for Outfall 001 based on average design flow of 0.018 mgd, are:

Parameter	Effluent Concentrations (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
CBOD ₅	25	37.5	50
Total Suspended Solids	45	67.5	90
NH ₃ -N			
(5-1 to 10-31)	11	16.5	22
(11-1 to 4-30)	33	50	66
Total Residual Chlorine (interim)		monitor and report	
(final)	0.5		1.2
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
Fecal Coliforms			
(4-1 to 11-30)	200/100 ml as a geometric mean		
(12-1 to 3-31)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

PA 0090964. Industrial waste, SIC: 1213, **CQ, Inc.**, R. R. 2, Box 2113, Homer City, PA 15748.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from coal cleaning operations in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Cherry Run, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Saltsburg Water Authority, located at Saltsburg, 17.4 miles below the discharge point.

Outfall 001: existing discharge, Flow 0.010 mgd (Intermittent).

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

This outfall is limited at internal outfall 101.

Outfall 101: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			35		70
Iron			3		4
Manganese			2		4
pH	6.0—9.0				

The EPA waiver is in effect.

PA 0217433. Industrial waste, SIC: 5171, **United Refining Company of Pennsylvania**, P. O. Box 599, Warren, PA 16365.

This application is for issuance of an NPDES permit to discharge treated ground water from the Uniontown Site in Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Jennings Run, 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) considered during the evaluation is PA American Water Company, located at Munhall, PA, >50 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.03 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30		60
Oil and Grease			15		30

<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>
Benzene			0.001		0.0025
Total BTEX*			0.10		0.25
Dissolved Iron					7.0
Ethylbenzene			monitor and report		
Toluene			monitor and report		
Xylenes			monitor and report		
pH	6.0—9.0				

*Total BTEX shall be measured as the sum of benzene, ethylbenzene, toluene and xylenes.

The EPA waiver is in effect.

PA 0111031. Sewage, **Overdorff Associates**, 1211 Allegheny Street, Hollidaysburg, PA 16648.

This application is for renewal of an NPDES permit to discharge treated sewage from the Vinco Shopping Plaza Sewage Treatment Plant in Jackson Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Hinckston Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5			10
(11-1 to 4-30)	15			30
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration			1.4	3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0094706. Sewage, **Economy Development Company**, 1259 Freedom Crider Road, Freedom, PA 15042.

This application is for renewal of an NPDES permit to discharge treated sewage from the Tri-County Soccer and Sports Center Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Fork Big Sewickley Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.0			4.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration			0.02	0.04

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen	not less than 6 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0096717. Sewage, **Penn Cambria School District**, 201 6th Street, Cresson, PA 16630.

This application is for renewal of an NPDES permit to discharge treated sewage from the Penn Cambria Primary STP in Lilly Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bear Rock Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .00442 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>
CBOD ₅	25				50
Suspended Solids	30				60
Fecal Coliforms					
(5-1 to 9-30)	200/100 ml as a geometric mean				
(10-1 to 4-30)	50,000/100 ml as a geometric mean				
Total Residual Chlorine					
1st—36th month	monitor and report				
37th month—expiration	1.4				3.3
pH	6.0—9.0				

The EPA waiver is in effect.

PA 0111597. Sewage, **Westmont Hilltop Recreation Commission**, 1000 Edgemoor Drive, Johnstown, PA 15905.

This application is for renewal of an NPDES permit to discharge treated sewage from the Westmont Hilltop Recreation Commission STP in Upper Yoder Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary to Allwine 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 Greater Johnstown Water Authority.

Outfall 001: existing discharge, design flow of 0.003 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Phosphorus	1			2
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.5			1.2

The EPA waiver is in effect.

PA 0205087. Sewage, **Scottyland Camping Resort**, R. D. 2, Rockwood, PA 15557.

This application is for renewal of an NPDES permit to discharge treated sewage from Scottyland Camping Resort in Middlecreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lost 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 Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of .0102 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅ (5-1 to 10-31) (11-1 to 4-30)	25				50
Suspended Solids Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	30				60
Total Residual Chlorine 1st month through 36th month 37th month through expiration	monitor and report 1.4				3.3
Dissolved Oxygen pH	not less than 6 mg/l 6.0—9.0				

The EPA waiver is in effect.

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

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

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

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

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

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

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

Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.

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

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

NPDES Permit PAS10G232. Stormwater. **C. Edward Scheivert**, 1176 Middletown Road, Gradyville, PA 19039 has applied to discharge stormwater from a construction activity located in Willistown Township, **Chester County**, to Ridley Creek.

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

NPDES Permit PAS10I028. Stormwater. **Department of Transportation**, District #8, 2140 Herr Street, Harrisburg, PA 17103-1699 has applied to discharge stormwater from a construction activity located in Dauphin Borough, and Middle Paxton and Reed Townships, **Dauphin County**, to the Susquehanna River and Clark and Stony Creeks.

Monroe County Conservation District, District Manager, 8050 Running Valley Rd., Stroudsburg, PA 18360, telephone (717) 629-3060.

NPDES Permit PAS10S046. Stormwater. **New Ventures Park**, S.I.D.E. Corporation, P. O. Box 1050, Blakeslee, PA 18610 has applied to discharge stormwater from a construction activity located in Tobyhanna Township, **Monroe County**, to Goose Run.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Collegetown, PA 19426, telephone (610) 489-4506.

NPDES Permit PAS10T073. Stormwater. **The Cutler Group**, 5 Sentry Parkway West, Ste. 100, Blue Bell, PA 19422 has applied to discharge stormwater from a construction activity located in Lower Providence Township, **Montgomery County**, to UNT to Stony Creek.

NPDES Permit PAS10T074. Stormwater. **Audubon Land Development Corporation**, 2620 Egypt Road,

Norristown, PA 19403 has applied to discharge stormwater from a construction activity located in Lower Providence Township, **Montgomery County**, to Rock Run on site that leads to Skippack Creek.

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

NPDES Permit PAS10U062. Stormwater. **Country View Manor Inc.**, 3220 Valley View Drive, Bath, PA 18014 has applied to discharge stormwater from a construction activity located in Moore Township, **Northampton County**, to Monocacy Creek.

NPDES Permit PAS10U063. Stormwater. **Willow Brook Land Development Corporation, LLC**, Howertown Road, P. O. Box 32, Catasauqua, PA 18032 has applied to discharge stormwater from a construction activity located in North Catasauqua Borough, **Northampton County**, to Catasauqua Creek.

York County Conservation District, District Manager, 118 Pleasant Acres Rd., York, PA 17402, telephone (717) 840-7430.

NPDES Permit PAS10Y214-1. Stormwater. **Scott and Jennifer Taylor**, 9281 Camp Road, Red Lion, PA 17356 have applied to discharge stormwater from a construction activity located in York Township and Dallastown Borough, **York County**, to UNT to Barshinger Creek.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. 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.

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

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

A. 3996403. Sewerage. **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. Application to construct and operate a bar screen unit at the Upper Saucon Wastewater Treatment Plant, located in Upper Saucon Township, **Lehigh County**. Application received in the Regional Office September 17, 1996.

A. 3996402. Sewerage. **Hanover Township**, 2202 Grove Street, Allentown, PA 18103. Application to construct and operate a pump station and force main, to serve the Witko Mobile Home Park, located in Hanover Township, **Lehigh County**. Application received in the Regional Office September 17, 1996.

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

A. 0296202. Industrial waste, **BP Exploration and Oil Co.**, 200 Public Square Building, Cleveland, OH 44114-2375. Application for the construction of a groundwater remediation and treatment system to serve the BP Exploration and Oil, Inc. located in the Borough of Monroeville, **Allegheny County**.

A. 3296403. Sewerage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701-3595. Application for the construction and operation of sewer extensions and pumping stations to serve the Cherry Run Area Sanitary Sewer System located in the Township of White, **Indiana County**.

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

A. 0196406. Sewage, **Middle Creek Bible Conference, Inc.**, P. O. Box 1, Cascade, MD 21719, Freedom Township, **Adams County** to construct sewers and appurtenances, pump stations, sewage treatment plant and outfall and headwall was received in the Southcentral Regional Office on October 2, 1996.

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

WQM Permit No. 4396414. Sewage, **Gilbert Laird, SRSTP**, 32 Hermitage Hills Blvd., Hermitage, PA 16148. This project is for the construction of a single residence sewage treatment plant in Shenango Township, **Mercer County**.

WQM Permit No. 6296410. Sewage, **John and Deborah Young, SRSTP**, R. D. 2, Box 2204, Russell, PA 16345. This project is for the construction of a single residence sewage treatment plant in Pine Grove Township, **Warren County**.

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

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

A. 2596506. Public water supply. **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507. This proposal involves the addition of a chemical feed pump system for corrosion control for the Chestnut Street Water Treatment Plant in the City of Erie, **Erie County**.

A. 2596507. Public water supply. **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507. This proposal involves the addition of a chemical feed pump system for corrosion control for the West Water Treatment Plant in the City of Erie, **Erie County**.

Acknowledgment of Notices of Intent to Remediate

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection

under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

Northeast Regional Field Office, Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

Bud Development Company, Center Street Property, Borough of Tamaqua, **Schuylkill County**. Barrett Group Environmental Services, 595 Bennett Street, Luzerne, PA has submitted a Notice of Intent to Remediate (on behalf of its client, Bud Development Company, 35 Slocum Street, Exeter, PA) site soils suspected to be contaminated with petroleum hydrocarbons. The applicant proposes to meet the Statewide health standard.

Ingersoll-Rand Company, City of Scranton, **Lackawanna County**. Barrett Group Environmental Services, 595 Bennett Street, Luzerne, PA has submitted a revised Notice of Intent to Remediate (on behalf of its client, Ingersoll-Rand Company, 605 Davis Street, Scranton, PA) site soils were found to have been contaminated with petroleum hydrocarbons. The applicant previously proposed to remediate the site to meet the background standard, but has revised the Notice of Intent to now indicate that the Statewide health standard will be met.

Proposed Responses Under the Hazardous Sites Cleanup Act

Reclamation Resources Site
Hatfield Township, Montgomery County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act

(HSCA) (35 P. S. §§ 6020.101—6020.1305) has proposed two interim responses at the Reclamation Resources site.

The Reclamation Resources site is located at 2042 Lenhart Road in Hatfield Township, Montgomery County. The site consists of the former headquarters facility of Reclamation Resources, Incorporated (RRI), and contaminated soil and groundwater resulting from RRI's operations at this facility.

The Department has determined the following: RRI is no longer in business. The site was identified as one of 15 potential source areas for contamination of wells of the North Penn Water Authority (NPWA) with volatile organic chemicals (VOCs), and is designated "North Penn Area 4" by the United States Environmental Protection Agency (EPA). The former RRI facility was sold in 1984 and has since been converted to residential use, the residences being supplied with public water.

A further investigation of the site by the DEP's Hazardous Sites Cleanup Program (HSCP) identified several hundred cubic yards of soil contaminated with VOCs in excess of cleanup standards in appendix B of the Land Recycling Program Technical Manual. The standards exceeded are those based on potential impact on groundwater used as a supply of potable water. The HSCP investigation also identified a number of VOC-contaminated residential wells nearby, with the onsite soil the apparent source. To date five nearby residential wells have exceeded Maximum Contaminant Levels (MCLs) established by EPA for public water supplies. Two of the households have since connected to public water, two have carbon filters, and one is using bottled water. As one of the carbon filters has consistently failed to reduce contamination below MCLs, the present owners of the site have been supplying bottled water to that household. The only known environmental hazard associated with the site is an increased cancer risk based on exposure to contaminated groundwater.

Contaminated Soil

The Department considered the following alternatives in response to contaminated soil at the Reclamation Resources site:

Alternative S1: No Action

HSCA requires the Department to consider the alternative of taking no action. Under this alternative, no action would be taken to prevent continued leaching of contaminants from soil into groundwater. Continued sampling of monitoring wells would be required. This alternative would do nothing to protect public health. Contaminated soil would remain, allowing further releases to groundwater. An aquifer currently used as a source of drinking water would be subject to continuing contamination with hazardous substances leaching from contaminated soil.

Alternative S2: Excavation and Disposal of Contaminated Soil

Soil contaminated above Statewide Human Health Standards for Soil, established under Act 2 of 1995, would be excavated and disposed. The cleanup levels exceeded are those established for certain VOCs. Each of the standards exceeded was based on the potential of contaminated soil to leach contaminants into groundwater in a leachate concentration exceeding a health-based groundwater cleanup standard. The volume of soil to be removed is estimated to be 500 cubic yards. This estimate includes approximately 233 cubic yards of soil contaminated above cleanup levels, plus surrounding soil and overburden which must be removed to reach the contami-

nated soil. This alternative would be protective of public health in that it would eliminate a source of continuing contamination of an aquifer currently used as a source of drinking water.

Alternative S3: Soil Treatment Using Heat and Mixing

This alternative is similar to alternative S2, with the exception that the contaminated soil would be treated on site with the use of a trencher with VOC stripping, rather than being excavated for offsite disposal.

Proposed Response for Contaminated Soil

The Department is proposing alternative S2 as described above. Alternative S1 is not protective of public health or the environment, and would require significant expenditures for continued monitoring of area groundwater. Alternative S2 is as effective as alternative S3, and has been estimated to be faster and less expensive.

Contaminated Groundwater

The Department considered the following alternatives in response to contaminated groundwater at the Reclamation Resources site:

Alternative GW1: No Action

HSCA requires the Department to consider the alternative of taking no action. Under this alternative no action would be taken to prevent continuing exposure of the public to contaminated groundwater. Continued sampling of monitoring wells would be required. This alternative would do nothing to protect public health. People would continue to be exposed to contaminated groundwater through drinking, cooking and other domestic uses.

Alternative GW2: Provision of Public Water Supply

The Department would extend the existing waterline and would provide public water connections to residences with wells affected or threatened by the contaminant plume. This alternative would be fully protective of public health. The alternative relies on proven, reliable technology. The response would include extending existing mains, installing laterals, hookups, and incidental grading, seeding, street repair, and the like following construction.

Alternative GW3: Point-of-Use Carbon Filtration of Water Supply

This alternative would consist of point-of-use water treatment. Each of approximately 35 affected or threatened residences would be supplied with a whole-house carbon filter of sufficient capacity to reduce contaminants to within MCLs. The filtered water would be sampled and analyzed annually. Carbon in the filters would be replaced annually. This alternative would be fully protective of public health. The alternative relies on proven, reliable technology. Carbon filtration is a standard treatment for the contaminants of concern at the site. With adequate capacity and maintenance, individual water supplies can be maintained within MCLs.

Proposed Response for Contaminated Groundwater

The Department is proposing alternative GW2 as described above. Alternative GW1 is not protective of public health or the environment, and would require significant expenditures for continued monitoring of area groundwater. Alternative GW2 is as effective as alternative GW3, and is estimated to cost significantly less.

Administrative Record and Public Hearing

The administrative record, which contains the information that forms the basis for and documents the selection

of these response actions, is available for public review and comment Monday through Friday from 8 a.m. to 4 p.m. at the DEP office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6200.

An additional copy of the administrative record is available for review from 9 a.m. to 4 p.m. at the Hatfield Township Municipal Building, 1980 School Road, Hatfield, PA 19440, (215) 855-0900.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing is scheduled for 7 p.m. on Thursday, December 12, 1996, at the Hatfield Township Municipal Building, 1980 School Road, Hatfield, PA. Persons wishing to present oral comments may register on or before the date of the public hearing by contacting Robert Goldberg, DEP Community Relations Coordinator, at (610) 832-6010.

Persons with a disability who wish to attend the hearing scheduled for December 12, 1996, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Robert Goldberg directly at (610) 832-6101 or the Pennsylvania AT&T Relay Service at 1(800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the administrative record, as provided under that act. Hence, the public comment period begins on Saturday, November 2, 1996, and ends on Friday, January 31, 1997.

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

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

Apex Waste Services, Inc., 13 Peggy Parkway, Dunmore, PA 18512; William Holbrook, Vice President; application received October 4, 1996.

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 St., Harrisburg, PA 17101-2301.

General Permit Application No. WMGR050. Magee Carpet Company, 480 West 5th Street, Bloomsburg, PA 17815. An application for the beneficial use of boiler ash generated from the burning of a coal and carpet scrap pellet mixture 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, 1 (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.

General Permit Application No. WMGR049. Bethlehem Steel Corp., 1170 Eighth Avenue, Bethlehem, PA 18016-7699. An application for the beneficial use of iron pyrite material (IPM) as an aggregate subbase for roadways and parking lots.

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, 1 (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.

Closure Plan submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for closure of a solid waste disposal area or site.

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

A. 301275UNP. Martins Creek SES Low Volume Waste Basin, Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101-1179. A Closure Plan for this Residual Waste Disposal Impoundment, located in Lower Mt. Bethel Township, **Northampton County**. The closure plan was received on September 24, 1996 and was determined to be complete in the Regional Office on October 8, 1996.

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

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

OP-04-306. The Department intends to issue an Air Quality Operating Permit to **BASF Corporation**, (370 Frankfort Road, Monaca, PA 15061) for a synthetic organic chemical manufacturing operation at its Monaca Site located in Potter Township, **Beaver County**.

30-000-063. The Department intends to issue an Air Quality Operating Permit to **Consolidation Coal Company**, (1800 Washington Road, Pittsburgh, PA 15241) for a coal preparation plant at its Robena Prep Plant located in Greensboro Borough, **Greene County**.

63-303-007. The Department intends to issue an Air Quality Operating Permit to **Commercial Stone Company, Inc.**, (2200 Springfield Pike, Connellsville, PA 15425) for a baghouse on the bituminous asphalt manufacturing operation at its Dunningsville facility located in Somerset Township, **Washington County**.

26-308-013. The Department intends to issue an Air Quality Operating Permit to **Assad Iron & Metals, Inc.**,

(P. O. Box 76, Brownsville, PA 15417) for a cyclone collector on the Coreco Inclined Rotary Furnace at its Brownsville Plant located in Jefferson Township, **Fayette County**.

65-305-020C. The Department intends to issue an Air Quality Operating Permit to **Ratay Coal Company, Inc.**, (R. R. 1, Box 198, Penn Run, PA 15765) for a coal crushing and blending operation at its Seward facility located in St. Clair Township, **Westmoreland County**.

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

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **48-318-125**

Source: Paint Spray Booth w/Panel Filters

Company: **Belyea Company Incorporated**

Location: Palmer Township

County: **Northampton**

Permit: **48-399-039**

Source: 4 Rubber Cure Ovens w/Afterburner

Company: **Victaulic Company of America**

Location: Palmer Township

County: **Northampton**

Permit: **54-313-080**

Source: Coextrude/Corona TMT w/Oxone Dest

Company: **Allied-Signal, Incorporated**

Location: Pottsville

County: **Schuylkill**

Permit: **54-322-001A**

Source: 2 Landfill Gas Ground Flares

Company: **Pine Grove Landfill, Inc.**

Location: Pine Grove Township

County: **Schuylkill**

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

14-309-025D. The Department intends to issue an operating permit to **Bellefonte Lime Company, Inc.** (P. O. Box 448, Bellefonte, PA 16823) for the operation of a lime storage tank (Flow Aid tank) and associated air cleaning device (a fabric collector) at the Bellefonte Plant in Spring Township, **Centre County**.

12-399-007G. The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834-9740) for the operation of a powdered metal parts sintering furnace (PF#51) and associated air cleaning device (a fabric collector) at the Barton Street Plant in Emporium Borough, **Cameron County**.

14-399-013C. The Department intends to issue an operating permit to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the operation of an automatic chip capacitor nickel/tin plating line (#5) and associated air cleaning device (a packed bed scrubber) in Ferguson Township, **Centre County**.

47-318-005D. The Department intends to issue an operating permit to **Strick Corporation** (R. R. 8, Box 281, Ottawa, PA 17821-8386) for the operation of a surface coating operation in Limestone Township, **Montour County**.

47-318-008B. The Department intends to issue an operating permit to **Strick Corporation** (R. R. 8, Box 281,

Ottawa, PA 17821-8386) for the operation of a surface coating operation in Limestone Township, **Montour County**.

14-301-032. The Department intends to issue an operating permit to **Wetzler Funeral Home, Inc.** (206 North Spring Street, Bellefonte, PA 16823) for the operation of a crematory incinerator in Bellefonte Borough, **Centre County**.

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

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

8-313-019C. Installation of air cleaning devices (a fabric collector and a HEPA filter) on a calcium halophosphate furnace (7C) by **Osram Sylvania, Inc.** (Hawes Street, Towanda, PA 18848-0504) in North Towanda Township, **Bradford County**.

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

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

PA-32-321A. Pitt Mining Company (R. R. 3, Box 95B, Shelocta, PA 15774) for a municipal waste processing operation at its Biosolids facility located in Young Township, **Indiana County**.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) 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.

DEP Central Office, Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.

D07-087. Dam. The DeGol Organization, 3229 Pleasant Valley Road, Altoona, PA 16602. To modify, operate and maintain the Scotch Valley Country Club Pond Dam across a tributary to New Creek located on S. R. 1011 just north of the intersection of S. R. 1011 with S. R. 22 for the purpose of stormwater detention and irrigation in Frankstown Township, **Blair County**.

D10-106. Dam. R. Gordon Matthews & Associates, 650 Washington Road, Pittsburgh, PA 15228. To modify, operate and maintain an existing dam on the Ehrman Farms private residential development across Wolfe Run. The modification consists of complete removal and reconstruction at the existing dam in Cranberry Township, **Butler County**.

The following Environmental Assessment and request for Water Quality Certification are being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

D36-039EA. Environmental assessment. **Lancaster Township**, 1240 Maple Avenue, Lancaster, PA 17603. To breach and remove the Maple Grove Dam for the purpose of restoring the Little Conestoga Creek (WWF) to a free flowing condition. The dam is located immediately upstream of S. R. 0462 where it crosses the Little Conestoga Creek (Lancaster, PA Quadrangle N: 6.90 inches; W: 13.05 inches) in Lancaster Township, **Lancaster County**.

Southwest Regional Office, Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

E02-1166. Encroachment. **U. S. Steel Clairton Works**, 400 State Street, Clairton, PA 15025. To construct and maintain a new light oil/tar barge loading facility along the Monongahela River near the Clairton/Glassport Bridge for purpose of eliminating piping that serves existing dock (Glassport, PA Quadrangle N: 10.8 inches; W: 1.0 inch) in the City of Clairton, **Allegheny County**.

E02-1167. Encroachment. **DASCO Companies**, 11203 Frankstown Rd., Pittsburgh, PA 15235. To construct and maintain a parking area within the floodway of McLaughlin Run to provide parking for a proposed medical office building at 45 McMurray Road (Bridgeville, PA Quadrangle N: 14.6 inches; W: 9.5 inches) in Upper St. Clair Township, **Allegheny County**.

E02-1168. Encroachment. **Redevelopment Auth. of City of McKeesport**, 201 Lysle Blvd., McKeesport, PA 15132. To construct and maintain a recreational marina and boat launch. The marina will be 2,000 feet long and vary in width from 176 feet to 100 feet. The project is located on the right side of the Youghiogheny River between river miles 0.1 and 0.6 and extends 800 feet downstream to 1,200 feet upstream of the Jerome Street (5th Ave.) Bridge adjacent to Gergely Memorial Park and Water Street (McKeesport, PA Quadrangle N: 18.2 inches; W: 16.8 inches) in the City of McKeesport, **Allegheny County**.

E26-231. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain two multigirder bridges with total normal span of 589 feet with an underclearance of 71.9 feet over Georges Creek; to relocate and maintain a 200-foot length of channel of an unnamed tributary to Georges Creek and a 25-foot length of channel of an unnamed tributary to Georges Creek; and to fill and maintain 2.67 acres of wetlands as part of Section 50D of the Mon-Fayette Expressway, located on Wilson Road (T-365), off of S. R. 857 (Smithfield, PA Quadrangle N: 11.0 inches; W: 3.5

inches) in Georges Township, **Fayette County**. The applicant proposes to construct replacement wetlands under DEP Permit No. E26-217.

E32-375. Encroachment. **Armstrong Township**, R. R. 3, Box 10, Shelocta, PA 15774. To remove the existing structure and to construct and maintain a 40-foot long 64-inch \times 43-inch C. M. arch pipe culvert in Cheese Run located on T-430 approximately 320 feet south of the intersection of T-430 and T-412 (Ernest, PA Quadrangle N: 4.1 inches; W: 13.7 inches) in Armstrong Township, **Indiana County**.

E32-378. Encroachment. **Canoe Township Board of Supervisors**, P. O. Box 355, Rossiter, PA 15772-0355. To remove the existing structure and to construct and maintain two 8'2" \times 5'9" corrugated pipe arches in Canoe Creek located 400' south of S. R. 1044 on Stiver Rd. (T-800) (Punxsutawney, PA Quadrangle N: 2.13 inches; W: 13.7 inches) in Canoe Township, **Indiana County**.

E56-269. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove existing structure and to construct and maintain a 43.1' long, 15' \times 6' precast concrete box culvert to carry S. R. 0985 Section 10B over Roaring Run (Boswell, PA Quadrangle N: 10.3 inches; W: 6.3 inches) in Jenner Township, **Somerset County**.

E63-419. Encroachment. **John P. and Joseph R. Zipko**, 729 Berry Road, Washington, PA 15301. To operate and maintain an existing clear span bridge across an unnamed tributary to Chartiers Creek located on Berry Road, off of Manifold Road (Washington East, PA Quadrangle N: 13.6 inches; W: 13.8 inches) in South Strabane Township, **Washington County**.

E63-420. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To operate and maintain two 10-foot long, 84-inch diameter concrete pipes to carry S. R. 4003 over an unnamed tributary to Kings Run located 1 mile from the intersection of S. R. 4003 and S. R. 0018 (Burgettstown, PA Quadrangle N: 12.2 inches; W: 12.1 inches) in Hanover Township, **Washington County**. The construction of this bridge was authorized under Emergency Permit No. EP6396205.

E65-641. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain 17-foot extension to an existing culvert in an unnamed tributary to Little Sewickley Creek and to extend wingwalls, as part of improving Turnpike Bridge B-432 located on Township Road T-544 at Turnpike Milepost 69.15 (Irwin, PA Quadrangle N: 6.6 inches; W: 6.2 inches) in Hempfield Township, **Westmoreland County**.

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

E27-053. Encroachment. **Hickory Township Supervisors**, P. O. Box 85, Endeavor, PA 16322. To install and maintain a 17-foot 6-inch clear span steel girder bridge with an underclearance of 5 feet across Prather Run (CWF, wild trout). Project is located on old Route 62 approximately 350 feet south of the intersection of S. R. 62 and S. R. 666 in the village of East Hickory (West Hickory, PA Quadrangle N: 15.00 inches; W: 3.77 inches) located in Hickory Township, **Forest County**.

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

E36-623. Encroachment. **East Hampfield Township**, Lancaster County, George Marcinko, Mgr., 1700 Nissley Road, Landisville, PA 1538. To construct and maintain two pedestrian bridges having 20 foot clear spans with underclearances of 2.25 feet and 4.25 feet across Brubaker Run, connected by a nature mulched path across a de minimus area of wetlands less than or equal to 0.05 acre. An eight car parking lot of grasscrete blocks and a playground area will be located within the 100-year flood plain of the Little Conestoga Creek for development of Wheatland Park located adjacent to Columbia Avenue (Lancaster, PA Quadrangle N: 7.6 inches; W: 16.3 inches) in East Hampfield Township, **Lancaster County**.

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

E23-352. Encroachment. **Department of Transportation**, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087. To operate, modify and maintain an existing 72-inch by 42-inch R.C.C. arch stream enclosure which conveys an unnamed tributary to east branch Chester Creek (TSF) beneath Baltimore Pike (S. R. 0001). The proposed project consists of extending this stream enclosure upstream with a 13.6-foot long, 57-inch by 38-inch corrugated aluminized steel pipe arch with concrete endwall structure. The project also includes the replacement of an existing 30-inch C.M.P. stream enclosure, and placement of fill material in 0.10 acre adjacent wetlands (PFO). All these activities are associated with the proposed Baltimore Pike widening and roadway improvements. The site is located approximately 1/2 mile north-east of the intersection of Baltimore Pike and S. R. 261 near the junction of Darlington Road (S. R. 4005) and Baltimore Pike (Media, PA Quadrangle N: 4.1 inches; W: 14.0 inches) in Chester Heights Borough, **Delaware County**.

E09-726. Encroachment. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. To remove an existing 36-inch diameter corrugated metal pipe culvert and to construct and maintain a twin 12.5-foot \times 4.25-foot concrete box culvert at the same location in and along Core Creek beneath Woodside Road. The roadway improvements also include the widening of the road and constructing an 8-foot wide bike path on the south side of the road. The project will impact approximately 300 feet of stream channel and 0.47 acre of wetlands (PFO). This site is located 1,000-feet east from the intersection of Lindenhurst and Woodside Road (Lambertville, PA Quadrangle N: 0.7 inch; W: 2.5 inches) in Lower Makefield Township, **Bucks County**.

E46-751. Encroachment. **Borough of Royersford**, 300 Main Street, P. O. Box 188, Royersford, PA 19468-0188. To reconstruct and maintain the Royersford Wastewater Treatment Plant situated within the 100-year floodplain of the Schuylkill River. The proposed project includes replacement of an existing pump station, chlorine tanks and office/control building, and also includes modifications to existing utility lines and plant facilities. The work site is located along the eastern bank of the Schuylkill River, at a point approximately 1 mile south-west from the intersection of Lewis Road and Vaughn Road (Phoenixville, PA Quadrangle N: 9.1 inches; W: 5.1 inches) in Upper Providence Township, **Montgomery County**.

E09-727. Encroachment. **Department of Transportation**, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove the existing bridge and to construct and maintain a triple-celled 19-foot wide \times 8-foot high

precast concrete box culvert (2nd and 3rd culvert bottoms will be depressed 12 inches below stream bed), and to place and maintain riprap in and along the channel of Tinicum Creek. The site is located approximately 140 feet downstream of the confluence of Rapp Creek and Beaver Creek (Bedminster, PA Quadrangle N: 19.1 inches; W: 3.1 inches) in Tinicum Township, **Bucks County**.

E46-752. Encroachment. **The Andorra Group**, 2201 Barren Hill Road, Conshohocken, PA 19428. To construct and maintain approximately 713 linear foot of a twin 72-inch R.C.P. stream enclosure in and along an unnamed tributary to Spring Mill Creek, to construct a retaining wall in the assumed 100 year floodway, and to place fill in 0.26 acre of wetland (PFO) to facilitate construction of the Andorra Glen Apartments. The site is situated at the southwest corner of the intersection of Ridge Pike and Joshua Road, (Norristown, PA Quadrangle N: 16 inches; W: 2.75 inches) in Whitemarsh Township, **Montgomery County**.

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

E14-295. Water obstruction and encroachment. **Pleasant Valley Campground Inc.**, P. O. Box 217, Howard, PA 16841. To remove the existing structure and to construct and maintain a single span steel beam wooden deck bridge with a normal clear span of 22 feet and an underclearance of about 8.5 feet crossing Little Marsh Creek on the campground road on the south side of S. R. 1002 approximately 1.5 miles west of the intersection of T-485 and S. R. 1002 (Snow Shoe SE, PA Quadrangle N: 4.3 inches; W: 2.3 inches) in Boggs Township, **Centre County**. Estimated stream disturbance 20 feet with no wetland impact; stream classification is CWF.

E18-226. Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a single span prestressed concrete box beam bridge with a normal span of 29.2 feet, minimum underclearance of 5.2 feet and a clear roadway width of 18.0 feet across Shingle Branch Run. This project impacts 150 feet of stream and about 0.05 acre of wetlands and is located on left branch Young Womans Creek Road about 400 feet upstream of the confluence with left branch Young Womans Creek (Young Womans Creek, PA Quadrangle N: 4.7 inches; W: 11.3 inches) in Chapman Township, **Clinton County**. Estimated stream disturbance is 150 feet and approximately 0.05 acre of wetlands; stream classification is a HQ-CWF.

41-392. Water obstruction and encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove an existing structure and to construct and maintain two span prestressed concrete adjacent box beam bridge to carry S. R. 04212, Section 003 across Little Muncy Creek: The proposed bridge shall be constructed with two spans of 600 feet, an underclearance of 10.4 feet and a curb-to-curb width of 32.8 feet. The project is located along the western right-of-way of T-620 (Hughesville, PA Quadrangle N: 9.7 inches; W: 9.4 inches) in Moreland and Muncy Creek Townships, **Lycoming County**. Estimated stream disturbance is 175.0 linear feet; stream classification is Cold Water Fishery.

E49-203. Water obstruction and encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To replace existing structure with a precast concrete box culvert to carry S. R. 0054

across an unnamed tributary to Shamokin Creek. The proposed road crossing shall be constructed with a concrete box culvert that has a span of 15.0 feet, rise of 5.0 feet and a length of 52.0 feet. The project is located along the northern right-of-way of S. R. 0487 approximately 1,200.0 feet north of the intersection of S. R. 0487 and S. R. 0054 (Shamokin, PA Quadrangle N: 20.6 inches; W: 7.2 inches) in Ralpho Township, **Northumberland County**. Estimated stream disturbance is 75.0 linear feet with no wetland impacts; stream classification is Cold Water Fishery.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Permits Issued

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

NPDES Permit No. PA0222003. Industrial waste. **Niagara Plastics Company**, 7090 Edinboro Road, Erie, PA 16509 is authorized to discharge from a facility located in Summit Township, **Erie County** to an unnamed tributary to Walnut Creek.

NPDES Permit No. PA0103942. Sewage. **American Carpatho-Russian Orthodox Green Catholic Diocese**, Camp Nazareth, 339 Pew Road, Mercer, PA 16137 is authorized to discharge from a facility located in Delaware Township, **Mercer County** to an unnamed tributary to Shenango River.

NPDES Permit No. PA000809. Industrial waste. **Consumers PA Water Company**, Shenango Valley Division, 665 South Dock Street, P. O. Box 572, Sharon, PA 16146-1835 is authorized to discharge from a facility located in Sharon, **Mercer County** to the Shenango River.

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

NPDES Permit No. PA0003832. Industrial waste, **Aristech Chemical Corporation**, Neville Island Plant, Pittsburgh, PA 15225 is authorized to discharge from a facility located at Neville Island Plant, Neville Island, **Allegheny County** to Ohio River (Back Channel).

NPDES Permit No. PA0094510. Industrial waste, **USX Corporation**, U.S.S. Division, 600 Grant Street, Pittsburgh, PA 15219 is authorized to discharge from a facility located at Edgar Thomson Plant, North Braddock Borough, **Allegheny County**.

NPDES Permit No. PA0110591. Industrial waste, **SCM Metal Products, Inc.**, 101 Bridge Street, Johnstown, PA 15902 is authorized to discharge from a facility located at SCM Johnstown Plant, City of Johnstown, **Cambria County** to Stony Creek.

NPDES Permit No. PA0035262. Sewage, **Family Mobile Homes, Inc.**, 1683 E. Pleasant Valley Boulevard, Altoona, PA 16602 is authorized to discharge from a facility located at Family Mobile Homes, Inc. Sewage Treatment Plant, Reade Township, **Cambria County** to Fallentimber Run.

NPDES Permit No. PA0038792. Sewage, **Adams Township Municipal Authority**, P. O. Box 265, Sidman, PA 15955-0265 is authorized to discharge from a facility located at Village of Mine 42 STP, Adams Township, **Cambria County** to unnamed tributary of Paint Creek.

NPDES Permit No. PA0042749. Sewage, **Jenner Area Joint Sewer Authority**, P. O. Box 202, Jennerstown, PA 15547 is authorized to discharge from a facility located at Boswell Sewage Treatment Plant, Boswell Borough, **Somerset County** to Quemahoning Creek.

NPDES Permit No. PA0090824. Sewage, **Laurel Associates**, 521 Fifth Avenue, Suite 2200, New York, NY 10175 is authorized to discharge from a facility located at Laurel Mall Shopping Center STP, Dunbar Township, **Fayette County** to unnamed tributary of Gist Run.

NPDES Permit No. PA0205338. Sewage, **Timothy and Linda Brunatti**, 48 Brallier Drive, Ligonier, PA 15658 are authorized to discharge from a facility located at Brunatti Single Residence Sewage Treatment Plant, Ligonier Township, **Westmoreland County** to an unnamed tributary of Loyalhanna Creek.

NPDES Permit No. PA0001627. Amendment No. 1. Industrial waste, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Cheswick Power Station, Springdale Borough, **Allegheny County**.

NPDES Permit No. PA0001899. Industrial waste, **Jones Brewing Company**, P. O. Box 746, Smithton, PA 15479 is authorized to discharge from a facility located at Smithton Borough, **Westmoreland County** to Youghiogheny River.

NPDES Permit No. PA0003824. Industrial waste, **Calgon Corporation**, P. O. Box 1346, Pittsburgh, PA

15230 is authorized to discharge from a facility located at Ellwood City Plant (North and South Complex), Route 65 and Chem Road, Franklin Township, **Beaver County** to unnamed tributary to Connoquenessing Creek (Outfalls 001-004) and Connoquenessing Creek (Outfalls 005-016).

NPDES Permit No. PA0005754. Amendment No. 1. Industrial waste, **J & L Specialty Steel, Inc.**, P. O. Box 920, 1500 West Main Street, Louisville, OH 44641 is authorized to discharge from a facility located at Midland Works, Midland Borough, **Beaver County**.

NPDES Permit No. PA0094722. Industrial waste, **Tapco, Inc.**, 3800 Neville Road, Neville Island, PA 15225 is authorized to discharge from a facility located at Tapco Processing Plant, Neville Township, **Allegheny County** to Back Channel of Ohio River.

NPDES Permit No. PA0096059. Industrial waste, **Crucible Compaction Metals**, 1001 Robb Hill Road, Oakdale, PA 15071 is authorized to discharge from a facility located at North Fayette Township, **Allegheny County** to tributary of north branch Robinson Run.

NPDES Permit No. PA0098191. Industrial waste, **United Refining Company**, Box 780, Warren, PA 16365 is authorized to discharge from a facility located at Springdale Asphalt Terminal, Springdale Borough, **Allegheny County** to the Allegheny River.

NPDES Permit No. PA0217425. Industrial waste, **Pilot Corporation**, P. O. Box 10146, Knoxville, TN 37939-0146 is authorized to discharge from a facility located at Pilot Travel Center #348, Bentleyville Borough, **Washington County** to Pigeon Creek.

NPDES Permit No. PA0026751. Sewage, **Borough of Indiana**, 80 North Eighth Street, Indiana, PA 15701 is authorized to discharge from a facility located at Borough of Indiana Water Pollution Control Plant, Center Township, **Indiana County** to Stony Run.

NPDES Permit No. PA0034258. Sewage, **Hopewell Area School District**, 2121 Brodhead Road, Aliquippa, PA 15001 is authorized to discharge from a facility located at Independence School STP, Independence Township, **Beaver County** to Raccoon Creek.

Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.

Thomas E. Little Property, Benton Township, **Lackawanna County**.

Project Description: This residential project will involve the construction of a single family dwelling of a 24.5 acre parcel of land. Sewage flows will be 400 gpd with treatment to be provided by a small flow treatment facility (SFTF) with stream discharge. The proposed discharge point for the SFTF will be to an unnamed tributary of the south branch of the Tunkhannock Creek.

The location of this project is on the north side of S. R. 0438, approximately 2 miles west of the intersection with S. R. 0407 in Benton Township, Lackawanna County, PA.

NPDES General Permit Final Actions

The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

**List of NPDES General Permits Issued by DEP's
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

Notices of Intent for Coverages Under NPDES General Permits and Department Final Actions

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

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

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

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG046116	4	Ernest Peterson 559 Florence Drive Bethel Park, PA 15102	Washington Hanover Township	Tributary to Aunt Clara Fork Kings Creek	8811
PAG066125	6	Sharpsburg Borough 1021 North Canal Street Pittsburgh, PA 15215	Allegheny Sharpsburg Borough	Allegheny River	4952

Notices of Intent for Coverage under NPDES General Permit for Construction Activities and Department Final Actions

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

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater from Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR101512	DEP—Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Clarion County Perry Township	Unnamed tributary to Clarion River

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

Clinton County Conservation District, District Manager, 2 State Route 150, Mill Hall, PA 17751, telephone (717) 726-3798.

Cumberland County Conservation District, District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.

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

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

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

Lycoming County Conservation District, District Manager, 240 W. 3rd Street, P. O. Box 68, Williamsport, PA 17703, telephone (717) 326-5858.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Collegeville, PA 19426, telephone (610) 489-4506.

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

Washington County Conservation District, District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10G195	Whiteland Ridge Assoc. 921 Briarwood Cr. West Chester, PA 10380	Chester Co. Uwchlan W. Whiteland Twps.	UNT to W. Valley Creek
PAR101911	North-lands, Inc. Box 233, 416 River Ave. Williamsport, PA 17701	Clinton Co. Bald Eagle Twp.	S. Fork Tangascoot
PAR10H105	Bowman Village Part 2171 Tall Oaks Ln. York, PA 17403	Cumberland Co. Upper Allen Twp.	Yellow Breeches
PAR10I102	Richard Yingst 7100 Fishing Creek Vly. Rd. Harrisburg, PA 17112	Dauphin Co. Swatara Twp.	Spring Crk. West
PAR10N044	Nicholas Basalyga 303 Fawn Hill Rd. Clarks Summit, PA 18411	Lackawanna Co. S. Abington Twp.	UNT to Ackerly Cr.
PAR10Q084	Waterford Court Inc. P. O. Box 3695 Allentown, PA 18106	Lehigh Co. Upper Saucon Twp.	Saucon Crk.
PAR103919	Nippenose Twp. Super. Box 48 Antes Fort, PA	Lycoming Co. Nippenose Twp.	Susquehanna Rvr.
PAR10T301	Leroy Wensel 745 S. Lewis Rd. Royersford, PA 19468	Montgomery Co. Limerick Twp.	UNT to Mingo Crk.
PAR10T292	Vincent Piazza 1100 Ridge Pke. Conshohocken, PA	Montgomery Co. W. Norriton Twp.	N/A
PAR10T299	GCC Associates c/o Trefoil Properties Ste. 207 2333 West Lansdale, PA 19446	Montgomery Co. U. Gwnyedd Twp.	N/A
PAR10U061	Smooth-On Inc. 1000 Valley Rd. Gillette, NJ 07933	Montgomery Co. Williams Twp.	Delaware Rvr.
PAR10W081	Kenneth Foster Jr. 114 Highvue Dr. Venetia, PA 15367	Washington Co. Nottingham and Peters Twps.	Peters Crk.

NOI Received and Final Actions under NPDES General Permits

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

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR118330	PAG-3	Miller Welding & Machine Co. Railroad and 2nd Sts. Brookville, PA 15825	Jefferson Brookville Boro	Sandy Lick Crk.	3599
PAG048396	PAG-4	Robert G. Horn 12863 Wetsell Ridge Rd. Edinboro, PA 16412	Erie Washington Twp.	Unnamed tributary to Cussewago Crk.	
PAG048406	PAG-4	Andrew C. Perlik 2002 Rutledge Rd. Transfer, PA 16154	Mercer Delaware Twp.	Unnamed tributary to Shenango Reservoir	
PAG048390	PAG-4	James C. Palmer 2 Wright Rd. Warren, PA 16365	Warren Glade Twp.	Hatch Run	

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS104103	Department of Transportation 2-0 1924-30 Daisy Street P. O. Box 342 Clearfield, PA 16830	Clarion County Perry Township	Kinzua Creek

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

PAS-10-0605. Individual NPDES. **Joseph Wilt**, 539 Foot-of-Ten Road, Duncansville, PA 16635. Implement an Erosion and Sedimentation Control Plan for the development of a nine lot residential subdivision known as the Wilt Development on 82.4 acres in Juniata Township, **Blair County**. The project is located along Township Road T386 at its intersection with the Penn Central Railroad (Hollidaysburg, PA Quadrangle N: 5.3 inches; W: 13.6 inches). Drainage will be to Dry Run.

PAS-10-H060. Individual NPDES. **Al-Don Properties**, P. O. Box 688, Hanover, PA 17331. To implement an Erosion and Sedimentation Control Plan for a warehousing and distribution facility on 40.44 acres in Lemoyne Borough, **Cumberland County**. The project is located about 0.5 mile west of the I-83 and S. R. 0581 interchange (Lemoyne, PA Quadrangle N: 20.15 inches; W: 4.3 inches). Drainage will be to the Susquehanna River.

PAS-10-Y050. Individual NPDES. **Michael Barshinger**, 3955 West Market Street, York, PA 17404. To implement an Erosion and Sedimentation Control Plan for a housing development called White Oak Condominiums on 34.5 acres in Manchester Township, **York County**. The project is located about 2,200 feet northeast of Interchange 10 of I-83 (York, PA Quadrangle N: 21.7 inches; W: 14.4 inches). Drainage will be to Codorus Creek.

PAS-10-Y052. Individual NPDES. **Richard and Mary Patterson**, 545 Bridgeview Drive, Lemoyne, PA 17043. To implement an Erosion and Sedimentation Control Plan for a single family housing development called Patterson Acres on 95 acres in Franklin Township, **York County**. The project is located about 3,500 feet west of Clear Spring Village (Dillsburg, PA Quadrangle N: 10.1 inches; W: 10.7 inches). Drainage will be to north branch Bermudian Creek.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G215	Freedom Group at Philadelphia 217 Reeceville Road, Suite B Coatesville, PA 19320	West Brandywine Twp. Chester County	West Branch Brandywine Creek

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

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

WQM Permit No. 4396410. Sewerage, **Andrew C. Perlik**, SRSTP, 2002 Rutledge Rd., Transfer, PA 16154. Construction of Andrew C. Perlik SRSTP located in Delaware Township, **Mercer County**.

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

Permit No. 0296409. Sewerage, **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143. Construction of sewerage collection and conveyance facilities located in the Township of Aleppo, **Allegheny County** to serve the Veshio Drive Plan of Lots No. 3.

Permit No. 6396408. Sewerage, **Ernest Peterson**, 559 Florence Drive, Bethel Park, PA 15102. Construction of a single residence sewage treatment plant located in the Township of Hanover, **Washington County** to serve the Ernest Peterson Property.

Permit No. 0474201. Amendment No. 1. Industrial waste, **J & L Specialty Steel, Inc.**, P. O. Box 920, 1500 West Main Street, Louisville, Ohio 44641. Construction of the production of stainless steel located in the Borough of Midland, **Beaver County** to serve the Midland Plant.

Permit No. 5696403. Sewerage, **Conemaugh Township**, R. D. 4, Box A-20, Johnstown, PA 15905. Construction of a sewage treatment plant + sanitary sewers located in the Township of Conemaugh, **Somerset County** to serve the Jerome/Hyasota STP + SS.

Permit No. 5696404. Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. Construction of sanitary sewer line, phase 1 and pump station located in the Township of Somerset, **Somerset County** to serve the Lakeside Estates.

Permit No. 6396407. Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. Construction of sewer extension and appurtenances located in the Township of Peters, **Washington County** to serve the Briarcliff Development, Phase 1.

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

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

Permit No. 4396503. Public water supply. **Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412. This permit covers the construction of foundation and building and installation of a pre-fab packed tower for the removal of trichloroethylene from the raw water supply from wells no. 1 and no. 2 located on college property in the Borough of Edinboro, **Erie County**.

Type of Facility: Community water supply.

Consulting Engineer: August E. Maas, Hill Engineering, Inc., 8 Gibson Street, North East, PA 16428.

Permit to Construct Issued: October 17, 1996.

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

Permit No. 0490504. Public water supply. **Morgans Mobile Home Park**, c/o Kenneth Carpenter, Manager, R. D. 1, Box 270, Clinton, PA 15076.

Type of Facility: Morgans Mobile Home Park Community Water System.

Permit to Operate Issued: October 15, 1996.

Permit No. 0293505. Public water supply. **Township of Shaler**, 300 Wetzell Road, Glenshaw, PA 15116.

Type of Facility: 6 mgd Lampher Pump Station for emergency supply from the City of Pittsburgh.

Permit to Operate Issued: October 9, 1996.

Permit No. 5696505. **Lincoln Township Water Authority**, P. O. Box 162, Sipesville, PA 15561-0162.

Type of Facility: Storage reservoir.

Permit to Construct Issued: September 30, 1996.

Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(2) and 303(h)(2)).

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports.

Southcentral Regional Office, Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Rich Craft Custom Kitchens, Robesonia Borough, **Berks County**. MGP., Inc., P. O. Box 128, Topton, PA 19562 has submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the background standard.

Elby's Big Boy, 3331, Manheim Township, **Lancaster County**. Elias Brothers Restaurants, Inc., 4199 Marcy, Warren, MI 48091-1799 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the background standard.

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

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

Med Waste Inc., 639-B South Bolmar Street, West Chester, PA 19382-4901; License No. **PA-HC 0098**; license issued October 9, 1996.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Ahles Pump & Tank Company, Inc., 5302 Brown Road, Verona, NY 13478; License No. **PA-AH S234**; license issued October 16, 1996.

Allstate Power Vac, Inc., 928-E Hazelwood Avenue, Rathway, NJ 07065; License No. **PA-AH 0339**; license issued October 10, 1996.

Harold Marcus Limited, R. R. 3, Bothwell, ON N0P 1C0 Canada; License No. **PA-AH 0207**; license issued October 16, 1996.

Race, Inc. d/b/a EnviroCure, 665 William Pitt Way, Pittsburgh, PA 15238; License No. **PA-AH 0340**; license issued October 17, 1996.

Reading Industrial Scrap, Inc., P. O. Box 163, Reading, PA 19603; License No. **PA-AH 0173**; license issued October 16, 1996.

Roanoke Electric Steel Corporation, P. O. Box 13948, Roanoke, VA 24038-3948; License No. **PA-AH 0306**; license issued October 16, 1996.

West Central Environmental Corp., P. O. Box 83, Renesselaer, NY 12144; License No. **PA-AH 0422**; license issued October 16, 1996.

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Keystone Petroleum Equipment, Ltd., 981-B Trindle Road West, Mechanicsburg, PA 17055; License No. **PA-AH 0540**; license issued October 2, 1996.

Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Ahles Pump & Tank Company, Inc., 5302 Brown Road, Verona, NY 13478; License No. **PA-AH S234**; amended license issued October 16, 1996.

Allstate Power Vac, Inc., 928-E Hazelwood Avenue, Rathway, NJ 07065; License No. **PA-AH 0339**; amended license issued October 10, 1996.

Harold Marcus Limited, R. R. 3, Rotherll, ON N0P 1C0 Canada; License No. **PA-AH 0207**; amended license issued October 16, 1996.

Reading Industrial Scrap, Inc., P. O. Box 163, Reading, PA 19603; License No. **PA-AH 0173**; amended license issued October 16, 1996.

Roanoke Electric Steel Corporation, P. O. Box 13948; Roanoke, VA 24038-3948; License No. **PA-AH 0306**; amended license issued October 16, 1996.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Ahles Pump & Tank Company, Inc., 5302 Brown Road, Verona, NY 13478; License No. **PA-AH S234**; license issued October 16, 1996.

Allstate Power Vac, Inc., 928-E Hazelwood Avenue, Rathway, NJ 07065; License No. **PA-AH 0339**; license issued October 10, 1996.

Harold Marcus Limited, R. R. 3, Bothwell, ON N0P 1C0 Canada; License No. **PA-AH 0207**; license issued October 16, 1996.

Reading Industrial Scrap, Inc., P. O. Box 163, Reading, PA 19603; License No. **PA-AH 0173**; license issued October 16, 1996.

Roanoke Electric Steel Corporation, P. O. Box 13948, Roanoke, VA 24038-3948; License No. **PA-AH 0306**; license issued October 16, 1996.

West Central Environmental Corp., P. O. Box 83, Renesselaer, NY 12144; License No. **PA-AH 0422**; license issued October 16, 1996.

Hazardous Waste Transporter License reinstated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Allstate Power Vac, Inc., 928-E Hazelwood Avenue, Rathway, NJ 07065; License No. **PA-AH 0339**; license reinstated October 10, 1996.

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

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

PAD 002395887. Horsehead Resource Development Company, Inc., Fourth Street and Delaware Avenue, Palmerton, PA 18071. A permit authorizing the operation of this hazardous waste storage facility, located in Palmerton Borough, **Carbon County**. The permit was issued in the Regional Office on October 10, 1996. The

response to public comments will be made available in the Northeast Regional Office upon request.

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

Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 602855. Jay Stauffer Farm, Columbia Municipal Authority, (308 Locust Street, Columbia, PA 17512). Application for operation of an agricultural utilization of sewage sludge site in West Hempfield Township, **Lancaster County**. Permit issued in the Regional Office October 17, 1996.

A. 603423. Burket and Weyant Farms, Greenfield Township Municipal Authority, (R. D. 1, Box 948, Claysburg, PA 16625). Application for operation of an agricultural utilization of sewage sludge site in Greenfield Township, **Blair County**. Permit issued in the Regional Office October 16, 1996.

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

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

A. 603423. Dively Farm, Greenfield Township Municipal Authority, (R. D. 1, Box 948, Claysburg, PA 16625). Application for operation of an agricultural utilization of sewage sludge site in Greenfield Township, **Blair County**. Application withdrawn from the Regional Office October 11, 1996.

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

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

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **13-310-006A**
Source: Stone Crushing Plant
Company: **Jamico Materials Company**
Location: Penn Forest Township
County: **Carbon**

Permit: **35-310-024D**
Source: Crushing Operation w/Watersprays
Company: **Keystone Quarry, Inc.**
Location: Dunmore Borough
County: **Lackawanna**

Permit: **40-323-005**
Source: Caustic Etch w/Scrubber
Company: **Caradon Mideast Aluminum Company**
Location: Wright Township
County: **Luzerne**

Permit: **40-323-006**
Source: Anodizing w/Scrubber
Company: **Caradon Mideast Aluminum Company**
Location: Wright Township
County: **Luzerne**

Permit: **40-323-007**
Source: Bright Dip w/Scrubber
Company: **Caradon Mideast Aluminum Company**
Location: Wright Township
County: **Luzerne**

Permit: **40-323-008**
Source: Kiln Dryer/Baghouse
Company: **Caradon Mideast Aluminum Company**
Location: Wright Township
County: **Luzerne**

Permit: **48-303-008**
Source: Asphalt Batch Plant w/Baghouse
Company: **Ciccione, Jos. & Sons**
Location: East Allen Township
County: **Northampton**

Permit: **48-303-011**
Source: Batch Asphalt Plant w/Baghouse
Company: **Penn Jersey Materials, Inc.**
Location: Upper Mt. Bethel Township
County: **Northampton**

Permit: **48-306-008A**
Source: Provapor/FBB/Lime/Ash/13 Bag/Denox
Company: **Northampton Generating Company**
Location: Northampton Borough
County: **Northampton**

Permit: **54-302-060G**
Source: Cleaver Brooks #1200-800-150ST
Company: **Cressona Aluminum Company**
Location: Cressona Borough
County: **Schuylkill**

Permit: **64-332-001**
Source: Gas Sterilizer/Aerator
Company: **Wayne Memorial Hospital**
Location: Honesdale Borough
County: **Wayne**

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

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

26-318-018. On October 1, 1996, a Plan Approval was issued to **United Defense, L. P.—Fayette**, (300 University Drive, Lemont Furnace, PA 15456) for a paint spray booth at its Paint Shop (SPB-1) facility located in North Union Township, **Fayette County**.

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

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

63-313-017A. On October 9, 1996, a Plan Approval expiration date was extended to February 1, 1997 for **Flexsys America L. P.**, (829 Route 481, Monongahela, PA 15063) for a biofilter at its Monongahela Plant located in Carroll Township, **Washington County**.

26-305-032. On October 9, 1996, a Plan Approval expiration date was extended to February 1, 1997 for **Mon River Energy Corporation**, (P. O. Box 466, Brier Hill, PA 15415) for a coal refuse reprocessing plant at its Brier Hill Site located in Redstone Township, **Fayette County**.

63-000-016. On October 9, 1996, a Plan Approval expiration date was extended to February 1, 1997 for **West Penn Power Company**, (800 Cabin Hill Drive, Greensburg, PA 15601) for a LNCFS III on the pulverized coal-fired boiler at its Mitchell Station facility located in Union Township, **Washington County**.

63-320-001. On October 9, 1996, a Plan Approval expiration date was extended to February 1, 1997 for **Specialty Printing, Inc.**, (P. O. Box 104, Third Street and PA R. R., Charleroi, PA 15022) for a catalytic oxidizer on the Drier WEB-offset Printing operation at its facility located in Charleroi Borough, **Washington County**.

65-307-076. On October 9, 1996, a Plan Approval expiration date was extended to February 1, 1997 for **Allegheny Ludlum Steel Corporation**, (100 River Road, Brackenridge, PA 15014) for the #91 anneal and pickle line at its Vandergrift Plant located in Vandergrift Borough, **Westmoreland County**.

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

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

Permit: **35-318-005A**

Source: 3 Woodcasket Paint Booths/Filters
Received: October 7, 1996
Company: **Miller Casket Company**
Location: Jermyon Borough
County: **Lackawanna**

Permit: **39-309-052**

Source: #1 Packhouse w/2 Baghouses
Received: October 3, 1996
Company: **Lafarge Corporation**
Location: Whitehall Township
County: **Lehigh**

Permit: **39-309-053**

Source: Cement Silo Tunnel w/Baghouse
Received: October 3, 1996
Company: **Lafarge Corporation**
Location: Whitehall Township
County: **Lehigh**

Permit: **40-305-020**

Source: Anthracite Coal Prep Plant
Received: October 11, 1996
Company: **Jeddo Highland Coal Company**
Location: Hazle Township
County: **Luzerne**

Permit: **40-310-040**

Source: Sand and Gravel Plant w/Crushers
Received: October 11, 1996
Company: **Barletta Materials & Construction**
Location: Nescopeck Township
County: **Luzerne**

Permit: **40-318-048**

Source: Truck Paint Spray Booth w/Filters
Received: October 2, 1996
Company: **Phoenix Manufacturing Incorp**
Location: City of Nanticoke
County: **Luzerne**

Permit: **45-310-015**

Source: Stone Crushing Plant w/Waterspray
Received: October 7, 1996
Company: **Milestone Materials Incorporated**
Location: Hamilton Township
County: **Monroe**

Permit: **48-302-074A**

Source: York Shipley Boiler 800HP/Natgas
Received: October 3, 1996
Company: **Ramtex Dyeing & Finishing Company**
Location: Wilson Borough
County: **Northampton**

Permit: **48-309-095**

Source: Clinker Silo Discharge w/Baghouse
Received: October 15, 1996
Company: **Essroc Materials Incorporated**
Location: Lower Nazareth Township
County: **Northampton**

Permit: **48-309-096**

Source: Special Clinker Hopper w/Baghouse
Received: October 15, 1996
Company: **Essroc Materials Incorporated**
Location: Lower Nazareth Township
County: **Northampton**

Permit: **48-310-011A**

Source: Stone Crushing Plant w/Baghouse
Received: October 7, 1996
Company: **Keystone Portland Cement Company**
Location: East Allen Township
County: **Northampton**

Permit: **48-318-001A**

Source: Chrome Plating w/Mist Eliminator
Received: October 7, 1996
Company: **American Nickeloid Company**
Location: Walnutport Borough
County: **Northampton**

Permit: **45-310-014**

Source: Stone Crushing Oper w/Watersprays
Issued: October 4, 1996
Company: **Haines & Kibblehouse Incorporated**
Location: Smithfield Township
County: **Monroe**

Permit: **48-309-094**

Source: Storehall Clinker Hand w/Baghouse
Issued: October 10, 1996
Company: **Hercules Cement Company**
Location: Stockertown Borough
County: **Northampton**

Permit: **48-310-028A**

Source: Stone Crushing Plant/Water Sprays
Issued: October 1, 1996
Company: **Chrin Brothers Sanitary Landfill**
Location: Williams Township
County: **Northampton**

Permit: **48-321-004A**

Source: Roller Cure Oven w/CVM Filters
Received: October 3, 1996
Company: **Ramtex Dyeing & Finishing Company**
Location: Wilson Borough
County: **Northampton**

Permit: **54-310-014**

Source: Stone Crushing Plant w/Waterspray
Received: October 11, 1996
Company: **Pennsy Supply Incorporated**
Location: Wayne Township
County: **Schuylkill**

Permit: **54-321-011**
 Source: Textile Dryer w/ CVM Lint Filter
 Received: October 1, 1996
 Company: **The Miller Group, Incorporated**
 Location: Port Carbon Borough
 County: **Schuylkill**

Permit: **54-322-003**
 Source: Landfill Gas Extraction System
 Received: October 1, 1996
 Company: **Commonwealth Envir System, Inc.**
 Location: Foster Township
 County: **Schuylkill**

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

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

48-0006A. On September 6, 1996, a NOx RACT Plan Approval expiration date was extended to December 31, 1996 for **Metropolitan Edison Company** (P. O. Box 16001, 2800 Pottsville Pike, Reading, PA 19640) for low-NOx burners on Unit Nos. 1 and 2 at its facility located in Upper Mt. Bethel Township, **Northampton County**.

Applications received for 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.

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

48-0006A. The Department intends to issue a NOx RACT operating permit to **Metropolitan Edison Company** (P. O. Box 16001, 2800 Pottsville Pike, Reading, PA 19640) for Unit Nos. 1 and 2 controlled by low-NOx burners at its facility located in Upper Mt. Bethel Township, **Northampton County**.

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

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

18-313-018B. On September 9, 1996, plan approval was issued to **Avery Dennison, Chemical Division** (R. D. 2, Box 70, Mill Hall, PA 17751) for the construction of a chemical reactor system and associated chemical process equipment to be controlled by existing air cleaning devices (two thermal fume oxidizers) in Bald Eagle Township, **Clinton County**.

14-329-001. On September 10, 1996, plan approval was issued to **Eastern States Exploration Company** (P. O. Box 178, Snow Shoe, PA 16874) for the construction of a 120 horsepower natural gas-fired reciprocating engine and associated air cleaning device (a catalytic converter) at the DeHass Compressor Station in Curtin Township, **Centre County**.

14-310-017I. On September 10, 1996, plan approval was issued to **Glenn O. Hawbaker, Inc.** (P. O. Box 135,

State College, PA 16804) for the construction of stone crushing and conveying equipment and associated air cleaning device (a wet suppression system) in Spring Township, **Centre County**. This equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

14-399-009D. On September 30, 1996, plan approval was issued to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the construction of three chip capacitor binder removal ovens and associated air cleaning devices (thermal afterburners) in Ferguson Township, **Centre County**.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 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 written notice of this action unless the appropriate statute proves 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 act of June 22, 1937 (P.L. 1987, No. 394) (35 P.S. §§ 691.5 and 691.402) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certification

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

E10-245. Encroachment. **Cranberry Township Supervisors**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499. To remove the existing culvert and to construct and maintain a 142-inch wide by 91-inch high C. M. pipe arch culvert 70 feet long in a tributary to Brush Creek on Haine School Road adjacent to Haine School approximately 2,000 feet south of Rochester Road (S. R. 3022) (Baden, PA Quadrangle N: 12.6 inches; W: 0.2 inch) located in Cranberry Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E10-246. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To replace the existing superstructure and to rehabilitate and maintain Walsh Bridge (County No. 85) having a span of 48 feet and an underclearance of 9 feet across

Little Connoquenessing Creek on Welch Road (T-360) approximately 4,000 feet north of Harmony Street (S. R. 3030) (Evans City, PA Quadrangle N: 13.9 inches; W: 4.1 inches) located in Connoquenessing Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E42-242. Encroachment. **Columbia Gas Transmission Corporation**, P. O. Drawer A, Brookville, PA 15825. To install and maintain cathodic protection cable crossing 4 watercourses and 7 wetland areas adjacent to 15,000 feet of existing 8-inch steel gas pipeline beginning at Bingham Road approximately 0.5 mile south of S. R. 646 in Cyclone (Cyclone, PA Quadrangle N: 14.3 inches; W: 13.0 inches) and ending at S. R. 59 approximately 0.4 mile south of S. R. 646 in Ormsby (Cyclone, PA Quadrangle N: 10.4 inches; W: 6.75 inches) located in Keating Township, **McKean County**.

E42-243. Encroachment. **Port Allegany Area Recreational Authority**, 501 Meadow Lane, Port Allegany, PA 16743. To remove the existing footbridge and to construct and maintain a steel beam footbridge having a single span of approximately 64 feet and an underclearance of approximately 8.5 feet across Lillibridge Creek north of the Port Allegany High School (Port Allegany, PA Quadrangle N: 12.25 inches; W: 3.0 inches) located in the Borough of Port Allegany, **McKean County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E43-254. Encroachment. **Mercer County Commissioners**, 503 Mercer County Courthouse. To operate and maintain the 20-foot wide by 7-foot high R. C. box culvert in a tributary to east branch Wolf Creek on Gilmore Road (T-481). Construction was authorized by DEP Permit No. EP4396602 for replacement of County Bridge No. 2710 approximately 1,400 feet west of the Mercer-Venango County line (Grove City, PA Quadrangle N: 17.1 inches; W: 0.7 inch) located in Wolf Creek Township, **Mercer County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E43-255. Encroachment. **Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a prestressed concrete box beam bridge having a clear normal span of 104 feet and an underclearance of 14 feet, 9 inches across Neshannock Creek on S. R. 0258, Segment 0250, Offset 0000 approximately 1,500 feet north of Shaffer Road (T-678) (Mercer, PA Quadrangle N: 15.7 inches; W: 14.2 inches) located in Findley and East Lackawannock Townships, **Mercer County**.

*Environmental Assessment Approvals and Actions
on 401 Certifications*

EA10-006NW. Environmental assessment. **Robert Hedin**, Hedin Environmental, 634 Washington Road, Pittsburgh, PA 15228. To construct and maintain an acid mine water collection system, a 450-ton anoxic limestone drain, a 3,000-square-foot settling pond, and a 3,500-square-foot constructed wetland area to collect and treat acid mine drainage prior to discharge to Slippery Rock Creek (CWF), the project is located approximately 1,000 feet west of the intersection of Higgins Road and Pisor Road directly south of the Village Higgins Corner (Hilliards, PA Quadrangle N: 17.8 inches; W: 12.1 inches) located in Washington Township, **Butler County**.

EA10-007NW. Environmental assessment. **Robert Hedin**, Hedin Environmental, 634 Washington Road,

Pittsburgh, PA 15228. To expand and maintain an existing passive mine water treatment system by placing an 8,500 square foot Successive Alkalinity Producing System (SAPS) within the water course of the existing mine water discharge. The SAPS will discharge into wetlands created in 1988 to provide passive mine drainage treatment. The project is located approximately 250 feet east of Foltz School within the Jennings Environmental Education Center State Park (Slippery Rock, PA Quadrangle N: 1.5 inches; W: 0.1 inch) located in Brady Township, **Butler County**.

EA16-001NW. Environmental assessment. **Clarion County Conservation District**, R. R. 3, Box 265, Clarion, PA 16314. To spread and place 250 tons of limestone sand in 8 separate locations within the floodways and floodplains of Toby Creek, Step Creek, Tarkiln Run and Rapp Run (all CWF) as part of a pilot watershed pH improvement project. The locations of these eight sites are as follows: Site no. 1: Lucinda PA Quadrangle N: 19.8 inches; W: 5.8 inches, Farmington Township, **Clarion County**. Site no. 2: Lucinda PA Quadrangle N: 15.0 inches; W: 6.0 inches, Farmington Township, **Clarion County**. Site no. 3: Lucinda PA Quadrangle N: 11.6 inches; W: 6.8 inches, Farmington Township, **Clarion County**. Site no. 4: Lucinda PA Quadrangle N: 9.1 inches; W: 10.9 inches, Highland Township, **Clarion County**. Site no. 5: Lucinda PA Quadrangle N: 6.9 inches; W: 16.1 inches, Paint Township, **Clarion County**. Site no. 6: Lucinda PA Quadrangle N: 2.0 inches; W: 15.9 inches, Paint Township, **Clarion County**. Site no. 7: Lucinda PA Quadrangle N: 0.1 inch; W: 16.0 inches, Paint Township, **Clarion County**. Site no. 8: Clarion PA Quadrangle N: 21.3 inches; W: 2.6 inches, Paint Township, **Clarion County**.

EA61-001NW. Environment assessment. **Atlantic Richfield Company**, 444 South Flower Street 32-14, Los Angeles, CA 90071. To involve removal of tar and contaminated soil as part of an environmental clean-up program on the former Eclipse refinery property. The excavated areas will be backfilled with clean soil and revegetated with native vegetation. The affected area dimensions measures approximately 100 feet long measured parallel to the Allegheny River and approximately 270 feet wide measured from the Allegheny River in-land (extending 5 to 10 feet into the Allegheny River). This project will include usage of cofferdams to allow for the excavation in stream. The project is located on the north bank of the Allegheny River approximately 2,500 feet upstream of Hoge Island (Franklin, PA Quadrangle N: 5.1 inches; W: 7.0 inches) located in Sugarcreek Borough, **Venango County**.

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

E02-1150. Encroachment. **Hal A. Kestler and Gerald J. Cipriani**, 650 Washington Road, Pittsburgh, PA 15228. To place and maintain fill in approximately 0.35 acre of wetland and to maintain fill in approximately 0.40 acre of wetland for the purpose of developing a 5.2 acre site located approximately 2,500 feet northeast of the intersection of Oxford Drive and Fort Couch Road, between the Scandinavia Health Spa and Village Square Mall (Bridgeville, PA Quadrangle N: 17.3 inches; W: 6.4 inches) in the municipality of Bethel Park, **Allegheny County**.

E04-235. Encroachment. **Dorothy Weaver**, 725 Crows Run Road, Freedom, PA 15042. To remove an existing bridge and to construct and maintain a pedestrian bridge having a normal span of 35 feet and a minimal underclearance of 4.47 feet across Crows Run to provide access to an existing home. The pedestrian bridge will be

located adjacent to Crows Run Road approximately 2,000 feet west from the intersection of Park Quarry Road and Crows Run Road (Baden, PA Quadrangle N: 10.4 inches; W: 14.6 inches) in New Sewickley Township, **Beaver County**.

E56-261. Encroachment. **Dept. of Conservation and Natural Resources**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a bridge having a normal clear span of 25 feet with a minimum underclearance of 2.1 feet across Blue Hole Creek on Blue Cole Run Road approximately 5,000 feet north of its intersection with Glade Road (Kingwood, PA Quadrangle N: 20.3 inches; W: 7.5 inches) in Middlecreek Township, **Somerset County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E56-265. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 32.5 feet and a minimum underclearance of 5.0 feet across Little Dark Shade Creek on S. R. 0160, Section 008, Segment 0680, Offset 0000. This permit also authorizes the construct and maintenance of an elevated floodplain in and along 196.8 linear feet of said stream at the bridge location (Central City, PA Quadrangle N: 19.2 inches; W: 9.3 inches) in Shade Township, **Somerset County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E63-411. Encroachment. **Washington County Commissioners**, 701 Courthouse Square, Washington, PA 15301. To remove the existing structure (Hemington Bridge—Mingo Creek #13) and to construct and maintain a box culvert having a span of 18.0 feet with an underclearance of 5.0 feet (1.0 foot depressed) in an unnamed tributary to Mingo Creek for the purpose of improving Mingo Creek Road. The project is located on Mingo Creek Road, approximately 350 feet southwest from the intersection of Mingo Creek Road and Park View Road (Hackett, PA Quadrangle N: 13.8 inches; W: 4.6 inches) in Nottingham Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E63-412. Encroachment. **Theodore J. Taylor II and William Harmon**, 608 East McMurray Road, McMurray, PA 15317. To construct and maintain a box culvert having a span of 20 feet with an underclearance of 11 feet (1 foot depressed) in an unnamed tributary to Brush Run located on Bunkerhill Drive, approximately 130 feet west of the intersection of Bunkerhill Drive, Rebecca Drive and Bebout Road to provide access to the Briarcliff Plan of Lots and to construct and maintain a sanitary sewerline extension under the bed and along the channel of said stream under Arrowhead Trail and Valley Brook Road, approximately 270 feet west from the intersection of Valley Brook Road and Bebout Road (Bridgeville PA Quadrangle N: 4.6 inches; W: 10.0 inches) in Peters Township, **Washington County**.

E65-633. Encroachment. **Department of Conservation and Natural Resources**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain a single span snowmobile bridge having a normal span of 24 feet and an underclearance of 3.6 feet

across Camp Run for the purpose of connecting a system of snowmobile trails within Forbes State Forest. The bridge is located approximately 1 mile north of the intersection of State Route 31 and State Route 381 North (Seven Springs, PA Quadrangle N: 17.5 inches; W: 9.25 inches) in Donegal Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E39-307. Encroachment. **City of Allentown**, 2700 Parkway Boulevard, Allentown, PA 18104-5399. To repair and maintain the existing 4-span bridge having a total length of 67 feet, 2 inches and an approximate underclearance of 5 feet across Little Lehigh Creek with work consisting of the following: (1) repointing deteriorated masonry joints, (2) repairing and modifying the bridge superstructure with additional steel beams and guiderail and (3) placing riprap for scour protection around bridge piers and abutments. The project, locally known as Fuller's Bridge, is located within the City of Allentown's Little Lehigh Park, north of S. R. 2010 (Fish Hatchery Road) approximately 0.2 mile west of the intersection of S. R. 2010 and S. R. 0309 (Allentown West, PA Quadrangle N: 11.9 inches; W: 0.8 inch) in the City of Allentown, **Lehigh County**.

E39-308. Encroachment. **City of Allentown**, 2700 Parkway Boulevard, Allentown, PA 18104-5399. To repair and maintain the existing 3-span bridge having a total length of approximately 60 feet with an underclearance of 8 feet across Little Lehigh Creek with work consisting of the repair of the bridge superstructure and the placement of riprap for scour protection around the bridge piers and abutments. The project, locally known as Catalina Avenue Bridge, is located within the City of Allentown's Little Lehigh Park, immediately west of Park Drive, approximately 0.3 mile south of the intersection of Park Drive and Jefferson Street (Allentown East, PA Quadrangle N: 14.1 inches; W: 15.1 inches) in the City of Allentown, **Lehigh County**.

E39-309. Encroachment. **City of Allentown**, 2700 Parkway Boulevard, Allentown, PA 18104-5399. To repair and maintain the existing 3-span covered bridge having a total length of approximately 145 feet with an approximate underclearance of 16 feet across Little Lehigh Creek with work consisting of the following: (1) the replacement of temporary wood supports with steel members, (2) removal of nonfunctional steel x bracing and (3) replacement of riprap for scour protection along both bridge pier footings. The project, locally known as Bogert's Covered Bridge, is located within the City of Allentown's Little Lehigh Park, east of S. R. 2007, approximately 0.1 mile northeast of the intersection of S. R. 2007 and S. R. 2010 (Allentown East, PA Quadrangle N: 12.3 inches; W: 17.1 inches) in the City of Allentown, **Lehigh County**.

E48-235. Encroachment. **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To construct and maintain a public fishing and boating access facility along the northern riverbank and within the 100-year floodplain of the Lehigh River with work consisting of the placement of the following: (1) a 77'L x 20'W concrete boat launching ramp; (2) an approximate 560'L x 20'W bituminous access roadway; (3) a 40'L x 10'W concrete fishing pier; (4) an approximate 450'L x 5'W concrete walkway and (5) a 48-inch C.M.P. outfall structure. This project is associated with the proposed exten-

sion of S. R. 0033 to S. R. 0078 and is located immediately upstream of the intersection of Bethlehem Township within the City of Easton (Nazareth, PA Quadrangle N: 3.7 inches; W: 3.0 inches) in Bethlehem Township and the City of Easton, **Northampton County**.

E52-139. Encroachment. **John K. Erler**, 388 Langley Avenue, West Hempstead, NY 11552-2317. To place rock fill in approximately 0.35 acre of wetlands for the purpose of constructing and maintaining a private road crossing of wetlands to provide access to a home on a 146-acre property. The proposed roadway will extend approximately 610 feet westward from an existing power transmission line access roadway, which originates on the south side of S. R. 0006, approximately 2,000 feet northwest of the intersection of S. R. 0006 and S. R. 1009 (Edgemere, PA Quadrangle N: 21.9 inches; W: 7.8 inches), in Dingman Township, **Pike County**. The permittee is required to provide 0.35 acre of replacement wetlands.

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

E14-290. Water obstruction and encroachment. **Taylor Township Supervisors**, R. R. 3, Box 333, Tyrone, PA 16686. Remove an existing structure and to construct and maintain a single span bridge to carry T-305 across an unnamed tributary to Bald Eagle Creek. The proposed bridge shall be constructed with a single span of 30.50 feet, an underclearance of 5.00 feet and a curb-to-curb width of 14.25 feet. The project is located along the eastern right-of-way of S. R. 0220 approximately 100.0 feet east of the intersection of S. R. 0220 and T-305 (Port Matilda, PA Quadrangle N: 3.1 inches; W: 13.5 inches) in Taylor Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-155. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure consisting of a single span steel truss bridge on S. R. 3014 0.2 mile off of S. R. 42 (Catawissa, PA Quadrangle N: 13.5 inches; W: 12.5 inches) in Catawissa Borough, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-358. Water obstruction and encroachment. **Watson Township Supervisors**, R. R. 4, Box 236C, Jersey Shore, PA 17740. To remove the existing structure and to construct and maintain a 91 inch by 58 inch corrugated metal pipe culvert in Furnace Run. This project is located at Township Route 631 about 0.5 mile north of State Route 44 (Jersey Shore, PA Quadrangle N: 18.2 inches; W: 8.4 inches) in Watson Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-361. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge with a normal clear span of 60 feet and an average underclearance of 14 feet plus an associated temporary single lane bridge with a single span of 68.83

feet across Plunketts Creek located 1.2 miles northbound on S. R. 1005 from its intersection with S. R. 1007 (Barbours, PA Quadrangle N: 6.1 inches; W: 7.3 inches) in Plunketts Creek Township, **Lycoming County**. Temporary impact.

E59-326. Water obstruction and encroachment. **William Bennett**, R. R. 2, Box 32, Wellsboro, PA 16901. Rechannelize and maintain 450 feet of Catlin Hollow Creek to a width of 25 feet removing a meander and to construct and maintain a log stream diversion device immediately upstream of the new channel and to backfill the old channel into graded embankments all located on Catlin Hollow Road approximately 2.5 miles south of S. R. 287 (Keeneyville, PA Quadrangle N: 9.8 inches; W: 2.25 inches) in Charleston Township, **Tioga County**.

E59-328. Water obstruction and encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To modify and maintain an existing stream enclosure to carry S. R. 2015, Seg. 0030 across an unnamed tributary to Roaring Creek. The proposed work shall consist of casting in place concrete scour protection along arch concrete/masonry stream enclosure abutments and over 215.0 linear feet of streambed. The project is located along the northern right-of-way of S. R. 0014 approximately 0.95 mile north of the intersection of S. R. 0014 and S. R. 2015 (Ralston, PA Quadrangle N: 10.6 inches; W: 13.4 inches) in Union Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-329. Water obstruction and encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain approximately 450 square feet of streambed paving with a rough finish along with aprons and cutoff walls, to place a partial jacket along both abutments and a rock apron at the outlet end of the bridge on an existing bridge over Hills Creek on S. R. 4039 about 2 miles south of S. R. 4037 (Crooked Creek, PA Quadrangle N: 12.0 inches; W: 13.3 inches) in Charlestown Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

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

WA 56-1000. Water allocation. **Lincoln Township Water Authority, Somerset County, PA**. The right to withdraw 187,000 gpd, as a daily maximum, from the Quemahoning Creek until such time as the distribution system replacement is completed and the new facilities are in full operation. Thereafter, the maximum allowable withdrawal shall be reduced to 80,000 gpd, as a daily maximum, Somerset County, PA. Permits issued on September 30, 1996.

[Pa.B. Doc. No. 96-1838. Filed for public inspection November 1, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Request for Bids

The University of Pittsburgh, Facilities Management Division will receive sealed bids for the Engineering and Science Building and Systems Renovations on the Johnstown Campus, Johnstown, Cambria County, PA, on Tuesday, December 10, 1996, at 11 a.m. in Room 200 at the Engineering & Science Building, Johnstown Campus, 450 Schoolhouse Road, Johnstown, PA 15904 for the Commonwealth of Pennsylvania, Department of General Services Project No. 1103-59, contracts: .1—General Construction; .2—HVAC Construction; .3—Plumbing Construction; and .4—Electrical Construction. The Bids will be publicly opened in Room 200 at the Engineering & Science Building, Johnstown Campus, 450 Schoolhouse Road, Johnstown, PA 15904 shortly after the bid due time indicated herein. Estimated construction cost is \$1,000,000.

Plans and specifications can be purchased by prime contractors from H. F. Lenz Company, 1407 Scalp Avenue, Johnstown, PA 15904-3329, (814) 269-9300, Attention: Tammi Hildebrand, for a Non-Refundable Deposit of \$250.

A prebid conference has been scheduled for Tuesday, November 12, 1996, at 11 a.m. in Room 200 at the Engineering & Science Building, Johnstown Campus, 450 Schoolhouse Road, Johnstown, PA 15904. Contractors who have secured documents are invited and urged to attend.

The University of Pittsburgh is an affirmative action, equal opportunity employer.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1839. Filed for public inspection November 1, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a), 247(b)) will hold a public meeting on Wednesday, November 13, 1996.

The meeting will be held at the Sheraton Inn Harrisburg, 800 East Park Drive, Harrisburg, PA from 10 a.m. to 4 p.m.

For additional information, or for persons with a disability who desire to attend the meetings and require an auxiliary aid service, or other accommodation to do so, contact Tom DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA

17108, (717) 783-0574, TDD: (717) 783-6514 or Network/
TDD: (8) (717) 433-6514.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1840. Filed for public inspection November 1, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Increase in the Food Stamp Heating and Non- Heating Standard Utility Allowances

Regulations at 55 Pa. Code § 501.7(a)(2) establish the amounts for the heating and non-heating standard utility allowances (SUAs) for the Food Stamp Program and provide for the revision of these amounts by publication of a notice in the *Pennsylvania Bulletin*. Increases in these allowances have been approved by the Food and Consumer Service of the U. S. Department of Agriculture and are effective October 1, 1996.

The heating and non-heating SUAs are established in accord with the requirements of 7 CFR 273.9(d)(6)(iii) and (iv). Notice is hereby given that the Department of Public Welfare is increasing the heating SUA from \$273 to \$278 and the non-heating SUA from \$151 to \$153.

The Department of Public Welfare recommends these revisions for codification in 55 Pa. Code § 501.7(a)(2).

Public comments may be made by contacting Patricia H. O'Neal, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative format should contact Thomas G. Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-133. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-1841. Filed for public inspection November 1, 1996, 9:00 a.m.]

Office of Medical Assistance Programs; Intergovernmental Transfer of Funds—Nursing Facility Payments

The purpose of this announcement is to provide advance notice under 42 CFR 447.205 that, during FY 1996-1997, the Department of Public Welfare intends to make changes in its payments to nursing facilities participating in the Medical Assistance Program.

The Department intends to enter into an agreement with the County Commissioners Association of Pennsylvania which will authorize the transfer of funds to the Commonwealth from several counties (as authorized under Federal law [42 U.S.C.A. § 1396b(w)(6)(A) and 42 CFR 433.51(b)]). The funds from this intergovernmental

transfer will be used as the State share for a portion of the payments for nursing facility Medical Assistance services during FY 1996-1997.

Under Federal law, the Department is permitted to pay for nursing facility services at rates which, in the aggregate, do not exceed the amount that would be paid for these services under Medicare cost principles. The Department has determined that to the extent it can utilize funds that have been transferred to the Commonwealth by local county governments to contribute towards the payment of nursing facility services at rates which are below the Medicare upper limit, yet higher than the rates that the Department might otherwise pay for these services, the Department will do so.

If the intergovernmental transfer agreement is executed and funds are transferred to the Commonwealth for FY 1996-1997, the Department intends to make supplementation payments to large county nursing facilities with a high volume of Medicaid funded resident days. In addition, the Department intends to revise its method for setting payment rates for general nursing facilities (excluding county nursing facilities) participating in the Medical Assistance Program during FY 1996-1997 to allow for enhanced transition payments under the case-mix payment system.

These proposed changes in nursing facility payments during FY 1996-1997 are contingent upon: (1) approval by the Federal government of amendments to Pennsylvania's State Plan authorizing the county supplementation payments and the enhanced transition payments; and (2) the Commonwealth's receipt of intergovernmental transfers of funds from county governments in amounts sufficient to make the increased payments.

The estimated increase in annual aggregate expenditures during FY 1996-1997 is \$726,880 million in total funds (\$373,471 million in intergovernmental transfer funds). The Department will publish revisions to 55 Pa. Code Chapter 1187 to implement the changes with respect to the enhanced transition payments if the intergovernmental transfer of funds is successfully implemented.

A copy of this notice is available for review at the local County Assistance Offices throughout the Commonwealth. Interested persons are invited to submit written comments about this notice to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance, Bureau of Long Term Care Programs, Division of Long Term Care Provider Services, P. O. Box 8025, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling 1 (800) 654-5984 (TDD Users) or 1 (800) 654-5988 (Voice Users), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-NOT-134. (1) General Fund; (2) Implementing Year 1996-97 is \$373,471,000; (3) 1st Succeeding Year 1997-98 is \$; 2nd Succeeding Year 1998-99 is \$; 3rd Succeeding Year 1999-00 is \$; 4th Succeeding Year 2000-01 is \$; 5th Succeeding Year 2001-02 is \$; (4) Fiscal Year 1995-96 is \$648,353,000; Fiscal Year 1994-95 is \$593,753,000; Fiscal Year 1993-94 is \$493,275,000; (7) Medical Assistance-Long Term Care; (8) recommends

adoption. The additional costs outlined above will be provided from intergovernmental transfer fund payments.

[Pa.B. Doc. No. 96-1842. Filed for public inspection November 1, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Bucks, Montgomery and Philadelphia Counties Reference No. 08430AG2027

The Department of Transportation will retain an engineering firm to perform final design for the four following projects:

1. S. R. 0413, Section S46—PA 413 (New Rodgers Road) from north of Bath Road to south of Old Lincoln Highway in Bristol and Middletown Townships, Bucks County.

Widen and overlay PA 413 to provide a center left turn lane. Provide new signals on PA 413 at Frosty Hollow Road, Trenton Road, and I-95 Market Place intersections. Rehabilitate one bridge deck. Construction length is 4.6km. The estimated construction cost is \$3.5 million.

2. S. R. 0030, Section C14—U. S. 30 (Lancaster Pike) from County Line Road to U. S. 1 (City Line Avenue) in Lower Merion Township, Montgomery County and Haverford Township, Delaware County.

Develop signal and interconnect plan for a closed loop signal system for 21 intersections. Construction length is 7.3km. The estimated construction cost is \$500 thousand.

3. S. R. 1001, Section C26—The intersection of Rising Sun Avenue and Adams Avenue in the City of Philadelphia.

Develop construction, right-of-way, signal and interconnect plans for the widening of Rising Sun Avenue and Adams Avenue to create turning lanes on all approaches. Construction length is 1.2km. The estimated construction cost is \$670 thousand.

4. S. R. 2009, Section C12—Aramingo Avenue from York Street to Bridge Street and continuing along Harbison Avenue from Bridge Street to U. S. 1 (Roosevelt Boulevard) in the City of Philadelphia.

Construct computerized traffic signal system at 35 intersections including solid state controllers, interconnect, overhead signal displays, actuation of selected side streets, construction of left turn lanes by modifying the existing median and restriping. Construction length is 9.1km. The estimated construction cost is \$1.4 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; preparation of cross-sections; erosion and sedimentation control design; preparation of right-of-way plans; preparation of traffic control and pavement marking plans; traffic signal design; utility coordination and design; coordination with DEP, municipal officials and the public; and preparation of final plans, specifications and estimates.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under

contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in their letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Tim Stevenson, project manager, at the telephone number listed below.

We encourage small firms to submit a letter of interest for this assignment.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% 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 projects.

Technical questions concerning the requirements for this project should be directed to Tim Stevenson, District 6-0, at (610) 964-6532.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Delaware County
Reference No. 08430AG2028**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately eight inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. S. R. 0291, Section A10—Realignment of the Industrial Highway from Franklin Street to Ridley Creek in the City of Chester.
2. S. R. 1008, Section 13B and M01—Roadway restoration of State Road from the Media Bypass to Crum Creek including replacing the bridge carrying State Road over Crum Creek.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable 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 following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of available inspectors in each payroll classification.
- b. Past performance on previous construction inspection assignments.
- c. Review of inspector's resumes with emphasis on Department experience, construction inspection capabilities and specialized experience in maintenance and protection of traffic, structures, drainage, concrete paving and utility relocation.
- d. Understanding of Department's requirements, policies and specifications.
- e. Ability to provide two "CDS" operators (TCIS classification or someone capable of inputting data into a personal computer.

f. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

In addition to the resumes for the required number of personnel in each Department Payroll Classification, a maximum of one alternate resume per payroll classification will be acceptable.

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction Inspector Supervisor (TCIS)	\$17.34
Transportation Construction Inspector (TCI)	\$15.18
Technical Assistant (TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; perform material acceptance testing, input data on a personal computer for CDS system and perform other duties as may be required.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their name in the letter of interest for this specific project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% 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 projects.

Technical questions concerning the requirements for this project should be directed to Rex Mackey, District 6-0, at (610) 964-6556.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Allegheny County
Reference No. 08430AG2029**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seven inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0051, Section A14, removal of an at grade intersection and replacing it with a grade separated interchange, including two single span structures, two box culverts, roadway reconstruction, resurfacing, drainage, signing, signals, guiderail and shoulders.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable 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 following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving, drainage, signals, guiderail and signing.
- b. Understanding of Department's requirements, policies and specifications.
- c. Past performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	4 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction (TCM-1) Manager 1	\$19.79
Transportation Construction (TCIS) Inspector Supervisor	\$17.34
Transportation Construction (TCI) Inspector	\$15.18
Technical Assistant (TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the

construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; provide one inspector certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-1 and TCIS positions, giving their approval to use their name in the letter of interest for this specific project. The lead inspector's name, classification, and years in classification must also be shown.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% 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 projects.

Technical questions concerning the requirements for this project should be directed to Terry McCue, District 11-0, at (412) 429-4926.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.
3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.
4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed

subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1843. Filed for public inspection November 1, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by Genova, Inc., 3025 Walnut Street/143 S. 31st Street, Philadelphia, PA 19104, to lease a portion of right-of-way on S. R. 3006-03B designated as the lower level of the Walnut Street Bridge formerly L. R. 67319 and 67352, Section 03B.

This portion will be improved for parking spaces along with placement of mechanical equipment by the applicant.

Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application, within 30 calendar days from the date of publication of this notice to Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087-5178, c/o Daniel J. West, Real Estate Specialist, KOP Annex.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1844. Filed for public inspection November 1, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by Hugo Maucher, Owner, Hugo's Inn and Longwood Prop., Reidlingen, Inc., 940 East Baltimore Pike, Kenneth Square, PA 19349, to lease a portion of right-of-way on S. R. 001 designated as U. S. 1, Baltimore Pike formerly L. R. 131-24, allowing for access by an enclosure along with steps located within the legal right-of-way to the restaurant.

Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application, within 30 calendar days from the date of publication of this notice to Andrew Warren, District Administrator, Engineering District, 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087-5178, c/o Daniel J. West, Real Estate Specialist, KOP Annex.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1845. Filed for public inspection November 1, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Panther Creek Partners v. DEP; EHB Doc. No. 95-114-MR

The Department of Environmental Protection (Department), and Panther Creek Partners (Panther Creek) have agreed to a settlement of the above-captioned matter.

On May 19, 1995, the Department issued to Panther Creek Air Quality Operating Permit No. 13-0003 (Operating Permit) governing air emissions from the Panther

Creek Energy Project, an anthracite coal refuse-fired electric generating plant located in Nesquehoning, Pennsylvania (Facility). The Facility consists of two circulating fluidized bed combustion (CFB) boilers designed to utilize coal refuse (with limited mixing with anthracite coal) as the primary solid fuel during normal operations. The Operating Permit included approval of a proposal for continued implementation of Reasonably Available Control Technology (RACT) for the control of nitrogen oxide (NO_x) emissions from the Facility.

On June 23, 1995, Panther Creek filed a timely appeal of the Operating Permit with the Environmental Hearing Board. That appeal challenged certain conditions in the Operating Permit, most particularly with respect to (1) the expression of the design/maximum rated capacity of the two CFB boilers, and (2) the emission limitations for sulfur dioxide (SO₂), carbon monoxide (CO) and NO_x applicable to certain special operating conditions, consisting of period (including startup, shutdown, process recovery and other special conditions) when CFB bed temperatures are below 1,400°F and fuel oil is used as the sole or supplemental fuel.

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

1. Within 30 days following entry of this Consent Adjudication, the Department will prepare, for publication and comment, a draft amended Operating Permit, which includes the following provisions:

a. Correction to the statement of the capacity of the two CFB units to indicate a design rated heat input of 483.3 MMBtu/hr per unit, and a maximum heat input of 600.0 MMBtu/hr per unit.

b. Establishment of emission limits governing emissions of NO_x, CO and SO₂ during Special Operating Conditions, defined therein to mean those periods (including periods of startup, shutdown, process recovery, generation curtailment, and utility emergency conditions) when the bed temperature of a CFB unit is less than 1,400°F and fuel oil is used as a sole or supplemental fuel. During such Special Operating Conditions, new emission limits are established on the combined emissions from both boilers, including a 3-hour rolling average and 24-hour average limit for SO₂, a 1-hour average and 8-hour rolling average for CO, and a 1-hour average for NO_x.

c. Establishment of a cap on total emissions from the two CFB units, such that the total emissions shall not exceed the following values on an annual rolling average basis: SO₂—660.5 tons/yr; CO—762.1 tons/yr; NO_x—635.1 tons/yr.

d. Installation, certification and operation of additional continuous emission monitoring equipment and imposition of additional recordkeeping and reporting requirements in order to monitor compliance with air emission limitations governing normal and Special Operating Conditions.

2. Within 60 days following publication of the notice of the draft Operating Permit, the Department will hold a public hearing in accordance with the requirements for a proposed amendment to the Pennsylvania State Implementation Plan (SIP), to incorporate into the SIP those elements of the amended Operating Permit relating to Reasonably Available Control Technology for control of NO_x emissions from the Panther Creek Facility. After the required public comment period, the Department will submit the proposed SIP amendment to the U. S. Environmental Protection Agency for approval.

3. Panther Creek will pay a stipulated civil penalty of \$3,000 per quarter for violation of the emission limitations in the May 19, 1995 Operating Permit between April 1, 1996 and December 31, 1996. The Department will not take any further enforcement action against Panther Creek seeking additional civil penalties for failure to comply with the emission limitations set forth in the May 19, 1995 Operating Permit, with respect to emissions that occurred from April 1, 1996 through the effective date of the amended Operating Permit that would not have violated the emission limitations set forth in the amended Operating Permit, as long as Panther Creek is in compliance with the schedule set forth in the amended Operating Permit.

Copies of the full agreement are in the possession of:

Barbara L. Smith, Assistant Counsel, Office of Chief Counsel, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

R. Timothy Weston, Esquire, Kirkpatrick & Lockhart, LLP, Payne-Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101;

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

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Appeals shall be filed within 20 days of this publication.

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

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1846. Filed for public inspection November 1, 1996, 9:00 a.m.]

TIG Insurance Co. and American States Insurance Co. v. DEP; EHB Doc. No. 95-119-R (Consolidated)

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

Within 60 days of Board approval of this Adjudication, TIG and American States shall begin reclamation of the Smith No. 1 mine site, located in Goshen Township, Clearfield County, which had previously been the site of bituminous coal mining by the surface method under MDP No. 4578BC6 by Glen Irvan Corporation. Reclamation activities shall include installation of a passive treatment system for a discharge of acid mine drainage emanating from the bottom of the toe of a small wet sediment pond on the property of Clark E. Smith. TIG and American States shall also fill in and stabilize the dry sediment basins located on the properties of Clark Smith and Franklin Sankey. Additionally, TIG and Ameri-

can shall drain by syphon a pond on the Smith No. 1 site to a level of less than 1 foot, and thereafter construct a rock-lined spillway of sufficient size to prevent clogging of the spillway from brush, trees or other debris. Upon the Department's reasonable satisfaction, the Department shall waive collection of 80% of the bond monies posted by TIG and American States, and shall release that amount which has been paid by TIG and American States and placed into an escrow account. TIG and American shall also revegetate the areas disturbed by mining and remediation activities by seeding and mulching said areas. Upon the Department's reasonable satisfaction that such revegetation is successful and permanent, the Department shall release the remaining 20% of the bond monies from the escrow account.

Copies of the full agreement are in the hands of:

Paul J. Bruder, Esquire, Assistant Counsel, DEP, 400 Market Street, 9th Floor, Harrisburg, PA 17105-8464, (717) 787-8790;

John Spiegel, Esquire, Plowman, Spiegel & Lewis, 925 Grant Building, Pittsburgh, PA 15219, (412) 471-8521; and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

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

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Appeals must be filed within 20 days of this publication.

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

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1847. Filed for public inspection November 1, 1996, 9:00 a.m.]

The Township of Washington v. DEP; Doc. No. 95-154-R

The Department of Environmental Protection (Department) and the Township of Washington (Washington) have agreed to a settlement of the above matter.

On July 13, 1993, the Department issued an order to Washington requiring it, *inter alia*, to submit an Official Plan update under 25 Pa. Code §§ 71.12 and 71.21 for the Villages of Brownstown, Arnold City, Fairhope, Naomi, Lynnwood and any other area in Washington Township found to be in need of adequate sewage facilities. The July 13, 1993 Order also imposed an onlot sewage system permit limitation in Washington. After the submission of Washington's proposed Official Plan, it was timely denied by the Department for failure to fully develop an alternatives analysis. Specifically, the proposed Official Plan concluded that the existing Municipal Authority of the Borough of Fayette City (Fayette City Authority STP) could not be expanded and failed to evaluate an alternative conveying sewage from Washing-

ton to an expanded Fayette City Authority STP. In addition, the Official Plan also eliminated an alternative proposing the conveyance of sewage from the Villages of Lynnwood and/or Fairhope to the existing Municipal Authority of Belle Vernon sewage treatment plant (Belle Vernon Authority STP). Finally, the proposed Official Plan did not contain a municipal resolution as required by 25 Pa. Code § 71.31.

Washington timely appealed the denial of the Official Plan alleging, *inter alia*, that the proposed Official Plan was complete and that it had performed a complete alternatives analysis. During the pendency of the appeal, however, the parties agreed that it would be possible to expand the capacity of the Fayette City Authority STP. Also, during the pendency of the appeal, the parties agreed that costs to treat sewage at the Belle Vernon Authority STP were actually lower than the costs used by Washington in its proposed Official Plan.

Washington cannot be reimbursed for the cost to develop its proposed Official Plan until the plan is approved by the Department. Washington Township will incur additional costs if it revises and expands the alternatives analysis of its current proposed Official Plan.

The parties have agreed to a settlement, which is represented by a Consent Order and Adjudication, the major provisions of which include:

1. Within 180 days of the approval of the Consent Adjudication by the Board, Washington shall submit to the Department a revised Official Plan which shall include:

(a) A revised and expanded alternatives analysis of collection and conveyance to the Belle Vernon Authority STP and/or the Fayette City Authority STP, as well as other possible alternatives.

(b) A municipal resolution adopting the revised Official Plan, with specific reference to selecting the alternative of choice and a commitment to implement the selected alternative within the time limits established in an implementation schedule.

2. Upon approval of the revised Official Plan, the parties will seek funding from the Rural Economic Community Development agency and other sources to fund the implementation of the Official Plan.

3. Upon approval of the revised Official Plan and Washington's submission of a complete planning grant application, the Department will authorize the payment of a planning grant to Washington for 50% of all its eligible planning costs.

4. The Department hereby amends the July 13, 1993 Order by modifying the permit limitation in Washington.

Copies of the full agreement are in the possession of:

Bruce M. Herschlag, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Alan Benyak, Esquire, (Counsel for the Township of Washington), 600 Fallowfield Avenue, Charleroi, PA 15022, (412) 483-3919;

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

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building,

400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Secretary

[Pa.B. Doc. No. 96-1848. Filed for public inspection November 1, 1996, 9:00 a.m.]

**Utica Mutual Insurance Company v. DEP; EHB
Doc. No. 96-072-R**

The Department of Environmental Protection (Department) and Utica Mutual Insurance Company (Utica) have agreed to a settlement of the above matter.

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

The Bond No. SU1330833 posted for Coal Mining Activity Permit No. 02841302 in Rostraver and Elizabeth Townships, Allegheny and Westmoreland Counties is forfeited due to various violations of the laws and regulations of Pennsylvania and unpaid civil penalties. Utica shall conduct reclamation activities including shaft sealing, building demolition, removal of ponds, regrading and revegetation at the following surface sites associated with Crescent Hill's Ocean No. 5 Mine: Rock Cut Fan Site, Smallis Fan Site, the Buddtown Basins, and the main Portal area. Collection of the bond shall be waived by the Department upon Utica's successful completion of the reclamation activities.

Copies of the full agreement are in the possession of:

Michael J. Heilman, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

William T. Gorton, Esquire, Stites & Harbison, 2300 Lexington Financial Center, Lexington, KY 40507, (606) 226-2300;

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

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1849. Filed for public inspection November 1, 1996, 9:00 a.m.]

**William Ramagosa, Sr., et al. v. DEP; EHB Doc.
Nos. 89-97-M (Consolidated)**

The Department of Environmental Protection (Department) and William Ramagosa, Sr., et al. (Ramagosas) have agreed to a settlement in the above matter. On March 10, 1989, the Department issued a Compliance Order to the Ramagosas for unpermitted encroachments and earthmoving activities on the Ramagosas' property in Dingman Township, Pike County. The Ramagosas appealed the Order to the Environmental Hearing Board. The parties have agreed to a settlement, the major provisions of which include:

1. The Ramagosas shall provide 52 acres of replacement wetlands in the following manner:

a. The area within the high water mark around Sprint Lake, a portion of which has developed into an 8 acre wetland, will remain undisturbed.

b. The Ramagosas will contribute \$176,000 to the Pennsylvania Wetland Replacement Fund.

2. The Ramagosas will maintain a 50' buffer around Spring Lake, within which no buildings, structures or other improvements will be allowed.

3. The Ramagosas will deed over to the Department of Conservation and Natural Resources a 22 acre parcel known as Wild Meadows, a pristine wetland adjacent to other State forest lands.

4. The Ramagosas will pay a \$25,000 civil penalty for violations of the Dam Safety and Encroachments Act, The Clean Streams Law and rules and applicable regulations promulgated thereunder.

5. The Department will issue pending encroachment permits authorizing the activities subject to the settlement agreement and dam safety permit for the modification, operation and maintenance of the existing dam on Sprint Lake.

Copies of the settlement agreement are in the possession of

Richard B. Ashenfelter, Jr., Powell, Trachtman, Logan, Carrle and Bowman, 367 Gulph Road, King of Prussia, PA 19406, (610) 354-9700;

David J. Gromelski, Assistant Counsel, Department of Environmental Protection, P. O. Box 8464, Harrisburg, PA 17101-8464, (717) 787-7060;

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

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

Appeals 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. 96-1850. Filed for public inspection November 1, 1996, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Notice

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday, November 6, 1996, Education Committee, 10:30 a.m.; Data Systems Committee, 1:30 p.m. The committee meetings will be held in the Council's conference room at 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council Meeting will be held on Thursday, November 7, 1996, 10 a.m. in Unit 1B, rooms 103 and 104 at Pennsylvania Blue Shield, 1800 Center Street, Camp Hill, PA 17089. The meetings are open to the public. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 96-1851. Filed for public inspection November 1, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, October 3, 1996, and took the following actions:

Regulations Approved:

State Board of Psychology # 16A-630: Child Abuse Reporting Requirements (amends 40 Pa. Code Chapter 41 section 41.1 and adds sections 41.71—41.76)

State Board of Osteopathic Medicine # 16A-535: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 25 by adding section 24.401 and sections 25.411—25.416)

State Board of Podiatry # 16A-442: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 29 by adding sections 29.91—29.97)

State Board of Medicine # 16A-492: Child Abuse Reporting Requirements (adds 49 Pa. Code §§ 16.101—16.107)

State Board of Nursing # 16A-515: Child Abuse Reporting Requirements (adds 49 Pa. Code §§ 21.501—21.507)

State Board of Chiropractic # 16A-436: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 5 section 5.1 and sections 5.91—5.96)

State Board of Dentistry # 16A-462: Child Abuse Reporting Requirements (amends 40 Pa. Code Chapter 33 section 33.1 and sections 33.250—33.255)

State Board of Funeral Directors # 16A-484: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 13 by adding sections 13.301—13.307)

State Board of Optometry # 16A-523: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 23 section 23.1 and adds sections 23.111—23.116)

State Board of Physical Therapy # 16A-653: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 40 by adding sections 40.201—40.207)

State Board of Occupational Therapy Education and Licensure # 16A-671: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 42 by adding sections 42.41—42.47)

State Board of Examiners in Speech-Language and Hearing # 16A-682: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 45 by adding sections 45.401—45.407)

State Board of Social Work Examiners # 16A-691: Child Abuse Reporting Requirements (amends 49 Pa. Code Chapter 47 by adding sections 47.51—47.57)

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

Public meeting held
October 3, 1996

State Board of Psychology—Child Abuse Reporting Requirements; Doc. No. 16A-630

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Psychology (Board). This rulemaking would amend 49 Pa. Code Chapter 41 by amending § 41.1 and adding §§ 41.71—41.76. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 3.2(2) of the Professional Psychologists Practice Act (63 P.S. § 1203.2(2)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or

exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society
 Patrick J. Clair, an attorney with Goehring, Rutter and
 Boehm
 Pennsylvania Psychological Association

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral

and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employees who suspect that a child was abused by another school employee. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employee because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employees. The CPSL's definition of a school employee is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employees and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employees. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employees through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employees.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employees. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employees. This is especially important given the substantive differences between the reporting requirements for school employees and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employees reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employees.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the

regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-630 from the State Board of Psychology, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Osteopathic Medicine—Child Abuse Reporting Requirements; Doc. No. 16A-535

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine (Board). This rulemaking would amend 49 Pa. Code Chapter 25 by adding § 24.401 and §§ 25.411—25.416. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 16 of the Osteopathic Medical Practice Act (63 P.S. § 271.16). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
Senator Michael O'Pake
JoAnn Lawer, DPW Deputy Secretary for Children,
Youth and Families
Hospital Association of Pennsylvania
Pennsylvania Medical Society
Patrick J. Clair, an attorney with Goehring, Rutter and
Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September

24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-535 from the State Board of Osteopathic Medicine, as submitted to the Commission on September 24, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Podiatry—Child Abuse Reporting Requirements; Doc. No. 16A-442

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Podiatry (Board). This rulemaking would amend 49 Pa. Code Chapter 29 by adding §§ 29.91—29.97. The authority for this regulation is found in section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 15 of the Podiatry Practice Act (63 P. S. § 42.15). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated report-

ers by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September

24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, it elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-442 from the State Board of Podiatry, as submitted to the Commission on September 24, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
 October 3, 1996

State Board of Medicine—Child Abuse Reporting Requirements; Doc. No. 16A-492

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking would add 49 Pa. Code §§ 16.101—16.107. The authority for this regulation is section 6383(b)(2) of The Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 8 of the Medical Practice Act (63 P. S. § 422.8). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society
 Patrick J. Clair, an attorney with Goehring, Rutter and
 Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum,

Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendation on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regula-

tion. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employees reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employees.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-492 from the State Board of Medicine, as submitted to the Commission on September 24, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Nursing—Child Abuse Reporting Requirements; Doc. No. 16A-515

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking would add 49 Pa. Code §§ 21.501—21.507. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 2.1(k)8 of the Professional Nursing Law (63 P.S. § 212.1(k)) and section 17.6 of the Practical Nurse Law (63 P.S. § 667.6). The proposed regulation was published in the March 9, 1996 *Pennsylvania*

Bulletin with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
Senator Michael O'Pake
JoAnn Lawer, DPW Deputy Secretary for Children,
Youth and Families
Hospital Association of Pennsylvania
Pennsylvania Medical Society
Patrick J. Clair, an attorney with Goehring, Rutter and
Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the

statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-515 from the State Board of Nursing, as submitted to the Commission on September 24, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Chiropractic—Child Abuse Reporting Requirements; Doc. No. 16A-436

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Chiropractic (Board). This rulemaking would amend 49 Pa. Code Chapter 5 by amending § 5.1 and adding §§ 5.91—5.96. The authority for this regulation is found in section 6383(b)(2) of the

Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 302(3) of the Chiropractic Practice Act (63 P.S. § 625.302(3)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society
 Pennsylvania Chiropractic Society

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the

final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, it elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-436 from the State Board of Chiropractic, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Dentistry—Child Abuse Reporting Requirements; Doc. No. 16A-462

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking would amend 49 Pa. Code Chapter 33 by amending § 33.1 and adding §§ 33.250—33.255. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 3(o) of the Dental Law Act (63 P. S. § 122(o)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
Senator Michael O'Pake

JoAnn Lawer, DPW Deputy Secretary for Children,
Youth and Families
Hospital Association of Pennsylvania
Pennsylvania Medical Society
Patrick J. Clair, an attorney with Goehring, Rutter and
Boehm
Pennsylvania Dental Association
Pennsylvania Dental Hygienists' Association, Inc.

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employees who suspect that a child was abused by another school employee. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employee because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employees. The CPSL's definition of a school employee is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employees and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employees. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for

school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act as to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-462 from the State Board of Dentistry, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Funeral Directors—Child Abuse Reporting Requirements; Doc. No. 16A-484

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors (Board). This rulemaking would amend 49 Pa. Code Chapter 13 by adding §§ 13.301—13.307. The authority for this regulation is found in section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 16(a) of the Funeral Director Law (63 P.S. § 479.16(a)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child"

from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, it elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-484 from the State Board of Funeral Directors, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
 October 3, 1996

State Board of Optometry—Child Abuse Reporting Requirements; Doc. No. 16A-523

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Optometry (Board). This rulemaking would amend 49 Pa. Code Chapter 23 by amending § 23.1 and adding §§ 23.111—23.116. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 3(b)(14) of the Optometric Practice and Licensure Act (63 P.S. § 244.3(b)(14)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a

misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society
 Patrick J. Clair, an attorney with Goehring, Rutter and
 Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical

school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational program to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's

ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-523 from the State Board of Optometry, as submitted to the Commission on September 24, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Physical Therapy—Child Abuse Reporting Requirements; Doc. No. 16A-653

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking would amend 49 Pa. Code Chapter 40 by adding §§ 40.201—40.207. The authority for this regulation is found in section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 3(a) of the Physical Therapy Practice Act (63 P.S. § 1303(a)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical

principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Keven Blaum
Senator Michael O'Pake
JoAnn Lawer, DPW Deputy Secretary for Children,
Youth and Families
Hospital Association of Pennsylvania
Pennsylvania Medical Society
Patrick J. Clair, an attorney with Goehring, Rutter and
Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendation on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of

suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-653 from the State Board of Physical Therapy, as submitted to the Commission on September 24, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Occupational Therapy Education and Licensure—Child Abuse Reporting Requirements; Doc. No. 16A-671

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Occupational Therapy Education and Licensure (Board). This rulemaking would amend 49 Pa. Code Chapter 42 by adding §§ 42.41—42.47. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presump-

tion in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society
 Patrick J. Clair, an attorney with Goehring, Rutter and
 Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory

definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-671 from the State Board of Occupational Therapy Education and Licensure, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Examiners in Speech-Language and Hearing—Child Abuse Reporting Requirements; Doc. No. 16A-682

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners in Speech-Language and Hearing (Board). This rulemaking would amend 49 Pa. Code Chapter 45 by adding §§ 45.401—45.407. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa. C.S. § 6383(b)(2)) and section 5(2) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1705(2)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Kevin Blaum
Senator Michael O'Pake
JoAnn Lawer, DPW Deputy Secretary for Children,
Youth and Families
Hospital Association of Pennsylvania
Pennsylvania Medical Society
Patrick J. Clair, an attorney with Goehring, Rutter and
Boehm

The Senate Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. A number of other technical changes recommended by the Commission were made to the final-form rulemaking as well.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to

report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the

CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-682 from the State Board of Examiners in Speech-Language and Hearing, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 3, 1996

State Board of Social Work Examiners—Child Abuse Reporting Requirements; Doc. No. 16A-691

Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Work Examiners (Board). This rulemaking would amend 49 Pa. Code Chapter 47 by adding §§ 47.51—47.57. The authority for this regulation is section 6383(b)(2) of the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(2)) and section 6(2) of the Social Workers' Practice Act (63 P.S. § 1906(2)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1996.

This regulation implements a mandate established by Act 151 of 1994. Act 151 was a comprehensive set of amendments to the CPSL. As amended by Act 151, the CPSL gave new responsibilities to the Department of State. It directed each licensing board with jurisdiction over professional licensees identified as mandated reporters by the CPSL to promulgate regulations on the responsibilities of mandated reporters.

The provisions of this regulation closely match the statutory requirements of the CPSL. It incorporates the statutory definitions for "child abuse," "perpetrator," "person responsible for the child's welfare," "serious mental injury," "serious physical injury," and "sexual abuse or exploitation." Under this regulation, licensees are required to make a report if, based on their professional training or experience, they suspect that a child coming before them in their professional or official capacity is an abused child. Reports of suspected child abuse must be made immediately by telephone to ChildLine, a 24-hour a day toll free number established by the Department of

Public Welfare (DPW) for receiving reports of suspected child abuse. The regulation requires that written reports be made to the DPW within 48 hours after the oral report.

Licensees who participate in good faith in any of the following activities have immunity from civil and criminal liability: making a report; cooperating with an investigation; testifying in a proceeding arising out of an instance of suspected child abuse; or taking photographs. Additionally, the Board will uphold the same good faith presumption in any disciplinary hearing resulting from participation in good faith in making a report. Reporting requirements take precedence over any other ethical principle or ethical standard. The regulation also contains provisions for disciplinary action by the Board. Criminal penalties, a summary offense for the first violation and a misdemeanor of the third degree for subsequent violations, are also contained in this section.

The Board claims that this regulation will have no fiscal impact on the Commonwealth or local governments. As mandated reporters, licensees may incur additional paperwork costs in complying with this regulation.

In its comments on the proposed rulemaking, the House Professional Licensure Committee (House Committee) recommended deletion of the definition of "abused child" from the regulation. The following individuals and organizations also submitted comments on the proposed regulation:

Representative Keven Blaum
 Senator Michael O'Pake
 JoAnn Lawer, DPW Deputy Secretary for Children,
 Youth and Families
 Hospital Association of Pennsylvania
 Pennsylvania Medical Society
 Patrick J. Clair, an attorney with Goehring, Rutter and
 Boehm

The State Consumer Protection and Professional Licensure Committee approved the final-form version of this regulation on September 25, 1996. The House Committee approved the final-form regulation on October 1, 1996. In addition, we received comments supporting the final-form regulation from Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer.

We have reviewed this regulation and find it to be in the public interest. The Board made significant changes to the final-form regulation. It deleted the definition of "abused child" as recommended by Representative Blaum, Senator O'Pake, the House Committee, and our Commission. Also, revisions were made to the definition of "sexual abuse or exploitation" to make it consistent with the statutory definition revisions made in 1995. To fully accomplish this task, the Board had to withdraw the initial final-form version of this regulation which was submitted on September 13, 1996. The Board submitted a second final-form version of this regulation on September 24, 1996, with revisions to its definition of "sexual abuse or exploitation" that added offenses listed in the statutory definition. The Commission's recommendation to restructure the section pertaining to time frames for filing oral and written reports was adopted. The Board also accepted the recommendation from both DPW and this Commission concerning the proposed regulation's definition of "serious mental injury." The Board revised this definition in the final-form regulation and it is now consistent with the CPSL's definition of "serious mental injury."

A number of other technical changes recommended by the Commission were made to the final-form rulemaking

as well. In addition, this final-form regulation, which was originally submitted on September 13, 1996, was withdrawn by the Board and submitted on September 24, 1996, with revisions to the definition of "sexual abuse or exploitation" to add offenses and make the definition consistent with the statutory definition.

Although the Board made a number of improvements in the regulation, there are two concerns it did not address. First, our Comments noted a serious gap in the regulation because it does not include the statutory reporting requirements imposed upon school employes who suspect that a child was abused by another school employe. Our comments stated the following:

As it is currently written, the proposed regulation creates the impression that it is not necessary to report child abuse committed by a school employe because they are specifically excluded from the definition of "perpetrator." The CPSL's definition of "child abuse" requires that the abuse be committed by a "perpetrator."

The Board has a statutory obligation to address reporting requirements that will apply to any of its licensees who are or may become school employes. The CPSL's definition of a school employe is inclusive and reads:

An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term includes an independent contractor and employes. The term excludes an individual who has no direct contact with students.

Given the substantive differences between the reporting requirements for school employes and other perpetrators in the CPSL, our Comments suggested that it would be unwise for the Board to amend this rulemaking by adding new provisions concerning reporting requirements for school employes. We recommended that the Board pursue implementation of these other reporting requirements through a future rulemaking. However, as an interim measure, our Comments recommended that the Board inform its licensees of the reporting requirements for school employes through educational programs and materials. Our recommendations on this issue received support from DPW Deputy Secretary Lawer.

The Board appears to agree that there is a need for another rulemaking. However, the Board's response to this issue provides no indication of when and how it will implement a new rulemaking nor any indication of whether it plans any interim educational programs to inform its licensees of the statutory requirement to report abuse by school employes.

We recommend that the Board work expeditiously to develop and publish a proposed rulemaking on the reporting requirements for school employes. In the interim, we request that the Board pursue an aggressive education program to insure that its licensees are aware of the statutory reporting requirements for school employes. This is especially important given the substantive differences between the reporting requirements for school employes and the requirements set forth in this regulation. Although we commend the Board for its efforts in responding to mandates imposed by the CPSL, its job is not yet complete. The Board needs to advise the House and Senate Committees and this Commission on its specific plans and timetable for publishing a proposed rulemaking on the school employes reporting requirements and implementing educational programs on the unique requirements for licensees who are or may be school employes.

The Board also elected not to adopt our suggestion concerning the definition of "child abuse" contained in the regulation. The definition in the Board's regulation contains no reference to or language from section 6303(b)(2) of the CPSL which states:

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

As we stated in our Comments, the absence of this exception from the regulation is inconsistent with the CPSL. Furthermore, there are concerns that the omission of this statutory exception may enlarge the scope of what constitutes "child abuse."

The Commission is mandated by the Regulatory Review Act to consider whether a regulation is consistent with the language of its enabling statute. Although in most cases we support the inclusion of the full statutory definition of a term, we find the position advocated by Representative Blaum, Senator O'Pake and DPW Deputy Secretary Lawer to be persuasive concerning this regulation. Licensees should be encouraged to file reports of suspected abuse, and this regulation will further that end. Nothing in the regulation will limit a practitioner's ability to use their professional judgment as provided for by the CPSL. When there is a reasonable suspicion of abuse, this regulation will reinforce a licensee's obligation to report.

Therefore, It Is Ordered That:

1. Regulation No. 16A-691 from the State Board of Social Work Examiners, as submitted to the Commission on September 24, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, JR.,
Chairperson

[Pa.B. Doc. No. 96-1852. Filed for public inspection November 1, 1996, 9:00 a.m.]

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 1 p.m., Thursday, October 17, 1996, and took the following actions:

Regulation Approved:

Environmental Quality Board # 7-293: Criteria and Procedures for Designating Areas Unsuited for Surface Mining Activities (amends 25 Pa. Code Chapter 86, Subchapter D)

Environmental Quality Board # 7-292: Area Unsuited for Surface Mining Activities; Squaw Run (amends 25 Pa. Code § 86.130(b))

Department of Agriculture # 2-100: Agricultural Land Conservation Assistance Grant Program (amends 7 Pa. Code Chapter 138h)

Department of Community and Economic Development # 5-61: Neighborhood Assistance Programs; Special Program Priorities and Enterprise Zone Tax Credit Program (amends 16 Pa. Code §§ 15.41b and 15.49a)

Underground Storage Tank Indemnification Board # 11-128: Heating Oil Tank Optional Program (adds 25 Pa. Code Chapter 975)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5347 (November 2, 1996).)

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

Public meeting held
October 17, 1996

Environmental Quality Board—Criteria and Procedures for Designating Areas Unsuited for Surface Mining Activities; Doc. No. 7-293

Order

On October 25, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code Chapter 86, Subchapter D. The authority for this regulation is found in sections 4.2(a) and 4.5 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. §§ 1396.4b(a) and 1396.4e); sections 3.2(a) and 6.1 of The Coal Refuse Disposal Control Act (52 P. S. §§ 30.53b(a) and 30.56a); sections 315(h)—(o) of The Clean Streams Law (35 P. S. §§ 691.315(h)—(o)); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). The proposed regulation was published in the November 4, 1995 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 17, 1996.

This regulation replaces the words "surface mining activities" with "surface mining operations" while maintaining the substance of the current definition for this term. The term "surface mining operations" is also used throughout Subchapter D in this regulation to replace terms such as "surface mining," "surface coal mining" and "surface coal mining operations" which have no existing definitions in Subchapter D. Changes in Subsection 86.122(b), which relate to the decision criteria the EQB will use in the proposed rulemaking, were deleted from this final-form regulation.

The regulation will impact persons who intend to submit petitions to the Department of Environmental Protection (DEP) and EQB requesting that areas be designated as unsuitable for surface mining activities. According to DEP, the proposed regulation will benefit these individuals because it eliminates ambiguity and clarifies the meaning of the existing regulation. DEP has also determined that the regulation will not affect current regulatory procedures, and consequently, the regulation will not result in any cost increases to DEP or to parties filing petitions.

The following parties submitted comments on the proposed regulation: Pennsylvania Coal Association (PCA); Pennsylvania Historical and Museum Commission; Daniel G. Roberts and Thomas L. Struthers of John Milner Associates, Architects; and Walter E. Fike, P.L.S. After the final-form regulation was submitted by EQB, PCA submitted comments concerning the definition of "surface mining activities."

We have reviewed this regulation and find it to be in the public interest. Although the proposed version of this regulation contained substantive revisions to the existing regulation, this regulation is now essentially a "house-

keeping" measure since the substantive revisions were deleted from the final-form regulation. PCA objects to the current substance of the definition of "surface mining activities" in section 86.101. Its concerns go beyond the EQB's intent to simply change "surface mining activities" to "surface mining operations." Neither the proposed nor the final-form version of this regulation contained any substantive changes to this definition. However, the preamble to the final-form regulation states that the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) was requested "to provide clarification of the definition in the context of the 'surface effects' of underground mining." The EQB indicates that when OSMRE responds, any necessary revisions to the definition will be the subject of future rulemaking. We encourage the DEP and EQB to give full consideration to PCA's concerns in the development of amendments to section 86.101.

Finally, even though the primary thrust of this rule-making is now gone, the replacement of the words "surface mining activities" with "surface mining operations" represents an improvement in the final-form regulation. It brings the language of this regulation into greater consistency with State and Federal law.

Therefore, It Is Ordered That:

1. Regulation No. 7-293 from the Environmental Quality Board, as submitted to the Commission on September 17, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 17, 1996

Environmental Quality Board—Area Unsuitable for Surface Mining Activities; Squaw Run; Doc. No. 7-292

Order

On October 25, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code § 86.130(b). The authority for this regulation is contained in sections 4.2(a) and 4.5(b)(3) of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. §§ 1396.4b(a) and 1396.4e(b)(3)); section 6.1(b)(3) of the Coal Refuse Disposal Control Act (52 P. S. §§ 30.56a(b)(3)); sections 315(h)—(o) of The Clean Streams Law (35 P. S. §§ 691.315(h)—(o)); and sections 1920-A and 1930-A of The Administrative Code of 1929 (71 P. S. §§ 510-20 and 510-30). The proposed regulation was published in the November 4, 1995 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 17, 1996.

This regulation will prohibit surface mining activities within a 450 acre tract of land located in Slippery Rock and Wayne Townships, Lawrence County. This tract of land is located in the Squaw Run watershed. The regulation will impact individuals who have property interests or reside within the area proposed to be designated as unsuitable for surface mining activities. Their water supplies will not be further degraded by surface mining activities. The designation will also affect coal operators who may have been planning to apply for surface mining permits in the area. The Department of Environmental

Protection (DEP) will not issue a mining permit in an area where the water supplies will be degraded as a result of the mining operations, unless the mine operator can demonstrate the availability of an alternative water supply. DEP has determined that replacement wells would need perpetual treatment and maintenance to produce water suitable for domestic use. By designating the area as unsuitable for surface mining, coal operators will avoid the costs of applying for a permit and the associated costs of water quality and reclamation studies.

DEP estimates that the designation will affect approximately 1,158,000 tons of Middle Kittanning coal. Based on a market value of \$24 per ton, the coal is valued at approximately \$28 million. DEP also estimates that the mining of this coal would provide 356-employee years of direct employment and 712-employee years of support employment, some of which would come from the local labor market. To make these calculations, DEP assumed that all coal could be extracted through surface mining and that the coal is laterally persistent throughout the petition area. DEP states that based on these assumptions, the estimates represent a liberal estimate of the surface mineable reserves in the petition area.

Representative Frank LaGrotta, Carl Thalgott and Dale Mackey submitted comments in support of the proposed rulemaking. On October 8, 1996, Representative LaGrotta submitted comments expressing support for the final-form regulation.

We have reviewed this regulation and find it to be in the public interest. On May 24, 1993, DEP and EQB received a petition from Thalgott and Mackey requesting that 450 acres in the Squaw Run watershed in Lawrence County be designated as unsuitable for surface mining. In response to the petition, DEP conducted a study of the petition area and found that two private water wells were degraded by surface mining and had to be replaced by the mine operator. It also found that a third well near the two which were replaced was also degraded by surface mining, and that other existing wells and springs in the petition area have a high potential to be degraded by surface mining. DEP also found that surface water quality in the Squaw Run watershed, which encompasses the petition area, has been affected by surface mining.

Stream waters in Squaw Run are alkaline and contain elevated concentrations of sulfate, calcium and magnesium. DEP denied a surface mining permit application in the petition area because wells could be adversely affected by surface mining and no suitable replacements for private water supplies were identified.

Based on the results of its study, DEP determined that further surface mining would adversely affect the groundwater system and that suitable replacement water supplies are not available within the petition area. Given these findings, we believe this regulation is in the public interest.

Therefore, It Is Ordered That:

1. Regulation No. 7-292 from the Environmental Quality Board, as submitted to the Commission on September 17, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 17, 1996

Department of Agriculture—Agricultural Land Conservation Assistance Grant Program; Doc. No. 2-100

Order

March 27, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking would amend 7 Pa. Code Chapter 138h. The authority for this regulation is Act 99 of 1994 (act) (3 P. S. §§ 1207.1 and 1207.3). The proposed regulation was published in the April 6, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 17, 1996.

The proposed regulation implements the Agricultural Land Conservation Assistance Grant Program (Grant Program) authorized by the act. Grants may be awarded to assist counties in establishing or improving Easement Purchase Programs, established by the Agricultural Area Security Law (3 P. S. §§ 901—915), to conserve and protect agricultural lands for the production of foods and agricultural products, particularly agricultural areas under pressure from expanding metropolitan areas.

The proposal establishes specific criteria to be used to evaluate and rank grant applications. The criteria include acceptability of costs, availability of funding from other sources, impact on the goal of preserving agricultural lands, relevance to encouraging preservation of agricultural lands, geographic scope, value to the community, innovativeness of the project, the anticipated date of full implementation of a County Agricultural Land Preservation Program (County Program), and the impact the project would have on other County Programs.

All counties, except Philadelphia, that have formed, and appointed members to a county agricultural preservation board are eligible applicants. The proposal establishes monetary limits on grants, eligibility criteria and an application process.

At proposed rulemaking, the Department received comments from the Pennsylvania Farmland Preservation Association (PFPA) and the Westmoreland County Farmland Preservation Program. Both commentators expressed concern with a restriction in the proposed eligibility criteria which stated that the Grant Program would not accept applications for projects already in progress, or completed, by an eligible county. The commentators were concerned that previous development of a basic Geographical Information System (GIS) would make them ineligible for development of additional data. They believed grant funds should be available to improve and complete GIS data entry to benefit evaluation procedures.

We agreed with the Department's policy to restrict eligibility for grant funds to exclude completed projects or projects already in progress. However, we questioned whether the Department intended to disqualify applicants for projects which would enhance or upgrade an existing spatial mapping database. We recommended revised language which would allow funding for separate phases or levels of a computer project, but would continue to prohibit funding of project costs for which a county had already identified funding or for which an appropriation had been made in the county's budget. Our suggested revisions were incorporated in the Department's final-form rulemaking. Revised language recommended by the

Commission for additional clarification of eligible and ineligible expenditures of grant funds were incorporated in the final-form as well.

The proposed regulation required that grantees have a County Program in place within 3 calendar years of the date of the first grant agreement. Counties which did not have a County Program in place were required to return grant funds to the Department. In the final-form rulemaking, the Department adopted the suggestion of the PFPA to require grantees to have a program in place within 2 calendar years. A requirement that grant recipients maintain books and records for 7 years was revised to a 3-year requirement in response to our Comments.

We have reviewed this regulation and find it to be in the public interest. The Department responded to our Comments and those of other commentators through revisions to its final-form rulemaking. The Department deleted subsection (b) section 138h.1, Grant Program Objectives, which contained administrative requirements. Additional revisions recommended by the Commission were made by clarifying filing application requirements and time limits, reconciling inconsistent requirements for review of applications, adding a requirement that repayments be credited to the Agricultural Conservation Easement Purchase Fund, and making revisions for the consistent use of terms for the County Agricultural Land Preservation Program (County Program) and the Agricultural Land Conservation Assistance Grant Program (Grant Program).

Two minor recommendations made by the Commission, a clarification in section 138h.10 for grant agreements, and a request for consistent use of terminology when referencing records, were not adopted by the Department. However, these omissions do not diminish the purpose of the Easement Purchase Program and the Grant Program which are designed to benefit predominantly agricultural counties where growth is occurring.

Therefore, It Is Ordered That:

1. Regulation No. 2-100 from the Department of Agriculture, as submitted to the Commission on September 17, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 17, 1996

Department of Community and Economic Development—Neighborhood Assistance Programs; Special Program Priorities and Enterprise Zone Tax Credit Program; Doc. No. 5-61

Order

On May 8, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Community and Economic Development (DCED). This rulemaking would amend 16 Pa. Code §§ 15.41b and 15.49a. The authority for this regulation is found in Article XIX-A of the Tax Reform Code of 1971, also known as the Neighborhood Assistance Act (act) (72 P. S. §§ 8901-A—8906-A). The proposed regulation was published in the May 18, 1996 *Pennsylvania*

nia Bulletin with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 26, 1996.

Each fiscal year DCED will now be responsible for promulgating regulations formerly promulgated by the Department of Community Affairs (DCA) establishing special program priorities for the Neighborhood Assistance Act Programs. The main objective of the act is to encourage private business firms to provide capital to improve impoverished neighborhoods and to encourage private companies to invest in physical improvements in enterprise zones that result in community economic development. The act established two programs: the Neighborhood Assistance Program and the Enterprise Zone Tax Credit Program. Each of these programs contains two tax incentive programs which provide tax credits to business firms that contribute to neighborhood organizations or that invest in community economic development.

Under the Neighborhood Assistance Program, DCED will distribute tax credits to business firms that provide neighborhood assistance, job training, community services, education and crime prevention or that contribute to neighborhood organizations which provide these services. Credits of up to 50% of a business firm's contribution for approved projects may be awarded for the foregoing neighborhood improvements that enhance the living conditions of people in impoverished areas. Under the Special Program Priorities of 16 Pa. Code § 15.41b, contributors may be eligible for an additional 20% tax credit (for a total of 70%) for projects that improve the physical and economic environment of low-income neighborhoods or which will contribute to neighborhood stabilization by reversing patterns of deterioration and blight. These two tax credit incentive programs allow contributors to obtain a total of 70% in tax credits under the Neighborhood Assistance Program.

The existing Special Program Priorities consist of Comprehensive Services, Low Income Housing Programs and Enterprise Zone Programs. The proposed regulation adds a fourth priority and changes the names of two existing priorities. DCED proposes to change the name of the existing Low-Income Housing Program to the Affordable Housing Program, but no changes to program requirements are proposed. DCED also proposes to change the name of the existing Comprehensive Service Program to the Community Development Program and to add as a fourth priority the new Comprehensive Service Program.

The new Comprehensive Program Priority mirrors the proposed Community Development Program. The Community Development Program is based on a project which is a component of an overall community development plan for the prevention or elimination of physical blight and for education, social and economic services for impoverished people in urban or rural communities. The new Comprehensive Service Program encompasses a Strategic Neighborhood Revitalization Plan designed to transform an entire distressed community into a healthy stable community through long-term joint efforts of a neighborhood/community organization and a major corporate sponsor.

Separate and distinct from the Neighborhood Assistance Program is the Enterprise Zone Tax Credit Program. This program was established in 1986 to encourage private companies to rehabilitate, expand or improve buildings or land in impoverished areas that have been designated as enterprise zones by DCED. Currently, there are 52 zones designated in various municipalities throughout the Commonwealth.

Under the Enterprise Zone Tax Credit Program, a tax credit of 20% will be granted for investments made to expand, rehabilitate or improve buildings or land located in enterprise zones. This Program also contains provisions for Special Program Priorities. The private company must first qualify for the initial 20% tax credit and then may be able to qualify for an additional 10% (for a total of 30%) if the project meets the criteria established under the Special Program Priorities. The Special Program Priorities consist of projects that will provide employment opportunities for low-income residents of the Commonwealth or that will enhance public facilities. Each project must create jobs for low-income individuals and include construction of or substantial repairs to a publicly-owned facility such as streets, sidewalks or street lights. The regulation is proposing to continue the priorities that have been in effect for the last several years.

We raised two issues in our Comments on the proposed regulation. The first issue related to the clarity of section 15.41b(4)(iv) *Comprehensive service programs*. This section of the proposed regulation provided that "The program shall include the following areas of concern of the economically distressed neighborhood: . . ." We noted that the list of "areas of concern" included in section 15.41b(4)(iv)(A)—(G) could be more accurately characterized as a list of components and goals for the program. Consequently, we recommended that the final-form regulation be revised to replace the phrase "... areas of concern of . . ." with "... components and goals for . . ." The final-form regulation has been amended to reflect our recommended wording change.

The second issue raised in our Comments related to the timing of the regulation. The proposed regulation presented the special program priorities for the fiscal year 1995-96 which ended on June 30, 1996. The statute (72 P. S. § 8905-A) requires that regulations establishing special program priorities be promulgated during the first month of each fiscal year and amended throughout the fiscal year as the public interest dictates. Therefore, the proposed regulation should have been promulgated in July of 1995. In our Comments, we requested that DCED explain the delay in submitting the proposed regulation.

We also noted in our Comments that it was our understanding that the final-form regulation would be retroactive to the beginning of the 1995-96 fiscal year. However, since the guidelines in the proposed regulation had not been codified, we commented that it was unclear how investors could apply for and receive credits for investments made in the 1995-96 fiscal year. We requested that DCED fully explain the application and subsequent review process that will be used by DCED for investments made in the 1995-96 fiscal year.

In response to our concerns regarding the timing of the regulations, DCED explained that previously in July of each year, DCA established the priorities for the program. The priorities were then subject to review and approval by internal DCA personnel and eventually the Governor. DCED explained that approval to proceed with the regulations were usually not received until well into the fiscal year. For the fiscal year 1995-96 approval to proceed was not obtained until mid-December 1995, in part because of questions concerning the elimination of DCA. DCED explained that the regulation was prepared and sent to the Office of Attorney General and the Office of General Counsel in December. DCED further noted that review of the proposed rulemaking by the Office of Attorney General, Office of General Counsel, the standing committees and the Commission was not completed until July of

1996. According to DCED, promulgation of the final-form regulation was delayed, in part, because of uncertainty surrounding consolidation of DCA and DCED programs currently existing in Titles 13 and 16.

We recognize that DCED has no control over some aspects of the review process associated with promulgating these regulations. However, given that the process of closing the Department of Community Affairs is complete, we anticipate that the special program priorities for the 1996-97 fiscal year will be completed in a more timely manner.

In response to our concern regarding how investors apply for and receive credits for projects completed in the 1995-96 fiscal year, DCED explained that when they develop the special program priorities, they notify the local service agencies with which DCED contracts to administer the neighborhood assistance program. The local service agencies inform investors of the proposed special program priorities for which investors may receive the additional 20% tax credit. The local service agencies stress that the special program priorities are proposed and that the additional 20% tax credit will not be available unless the regulation containing the special program priorities is approved. After the regulation is approved, DCED notifies the local service agencies which, in turn, notify investors so that they can apply for the additional 20% tax credit.

We have reviewed this regulation and find it to be in the public interest. Adoption of the final-form regulation will allow DCED to meet the statutory mandate to establish special program priorities for the Neighborhood Assistance Act Programs. We encourage DCED to proceed with the regulation for the 1996-97 fiscal year priorities as expeditiously as possible.

Therefore, It Is Ordered That:

1. Regulation No. 5-61 from the Department of Community and Economic Development, as submitted to the Commission on September 26, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
October 17, 1996

*Underground Storage Tank Indemnification Board—
Heating Oil Tank Optional Program; Doc. No. 11-128*

Order

On September 18, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Underground Storage Tank Indemnification Board (Board). This rulemaking would add 25 Pa. Code Chapter 975, *Heating Oil Tank Optional Program*. The authority for this regulation is section 704(e) of the Storage Tank and Spill Prevention Act (act) (35 P. S. § 6021.704(e)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On October 11, 1996, the Commission received amendments from the Board to its September 18 submittal.

The Underground Storage Tank Indemnification Fund (Fund) is a nonlapsing fund in the State Treasury. The Fund acts as an insurance policy covering liabilities

resulting from leaks in underground storage tanks. Section 704(a)(1) of the act provides "Moneys in the Fund are hereby appropriated to the board for the purpose of making payments to owners and operators of underground storage tanks who incur liability for taking corrective action or for bodily injury or property damage caused by a sudden or nonsudden release from underground storage tanks."

Prior to Act 16 of 1995, underground storage "tanks of 3,000 gallons or less used for storing heating oil for consumptive use on premises where stored" were specifically exempted from mandatory participation in the Fund. Act 16 of 1995 made several amendments to the act. Two of the amendments form the basis for this regulation. First, section 1 of Act 16 of 1995 amended the definition of underground storage tank in section 103 of the act (35 P. S. § 6021.103) by eliminating the size requirement "of 3,000 gallons or less" and added a qualifier that would not exempt tanks required to be regulated by Federal law. As a result, all "tanks used for storing heating oil for consumptive use on premises where stored" are exempted from mandatory participation in the Fund, unless they are specifically required to be regulated by Federal law. Second, section 8 of Act 16 of 1995 added section 704(e) to the act (35 P. S. § 6021.704(e)) which provides for optional participation in the Fund for "any owner of an underground storage tank of 3,000 gallons or more used for storing heating oil for consumptive use on the premises where stored. . . ." These owners or operators who elect to participate in the Fund are subject to the same regulations and fees as mandatory participants. The Board is required to establish regulations which specify the procedures and criteria for owners and operators to "opt into" the Fund.

Since participation is optional, there will not be any mandated burden on tank owners. Mandated participants in the Fund will not be adversely affected because the optional participants' fees are based upon the same parameters as the mandated participants. The benefits of this regulation are that heating oil tank owners who qualify will have an additional option to cover losses caused by leaks.

We found several concerns with the final-omit regulation submitted on September 18, 1996. We sent a list of our concerns to the Board on September 30, 1996. The majority of our concerns involved changes made to the act by Act 16 of 1995. 35 P. S. § 6012.704(e), *Options*, states that "Any owner of an underground storage tank . . ." (Emphasis added.) may elect to participate. Also, the term "commercial heating oil tank" was deleted from the act by Act 16 of 1995. Therefore, the present act does not make a distinction as to whether a tank is "commercial." However, the regulation was titled and repeatedly used the term "commercial." We recommended removing the term "commercial" from the regulation as well as revisions to the definition of "Heating oil products" and "Fees." We also recommended several references be corrected and along with other clarifications.

Our staff met with representatives from the Board on October 10, 1996, to review our concerns. As a result of that meeting, the Board submitted revisions to the final-form regulation on October 11, 1996, which was responsive to our concerns.

We have reviewed this revised regulation and find it to be in the public interest. The changes made by the Board improve the clarity of the regulation and make it consistent with the amendments contained in Act 16 of 1995. We have one final clarification we believe would improve

this regulation. The last sentence of section 975.5(b) provides "Coverage may be reinstated as provided in section 705(e)" of the act. We believe the intent was to state that coverage is reinstated upon receipt of fees consistent with section 705(e) of the act. While we believe this clarification is important, we do not believe it should deter the implementation of the overall regulation. Instead, we recommend that the Board include this clarification in its next rulemaking.

Therefore, It Is Ordered That:

1. Regulation No. 11-128 from the Underground Storage Tank Indemnification Board, as submitted to the Commission September 18, 1996, and amended October 11, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, JR.,
Chairperson

[Pa.B. Doc. No. 96-1853. Filed for public inspection November 1, 1996, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
4-60	Department of Community and Economic Development Neighborhood Assistance Program	10/18/96
2-108	Department of Agriculture Deletion of Grade AA Regulatory Standards for Milk	10/22/96

JOHN R. MCGINLEY, JR.,
Chairperson

[Pa.B. Doc. No. 96-1854. Filed for public inspection November 1, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Independence Blue Cross; Second Amended/Restated Integrated Prescription Drug Program Master Agreement; Filing No. 14-P-96

Independence Blue Cross has filed the Second Amended/Restated Integrated Prescription Drug Program Master Agreement, Form No. 4888, with PAID Prescriptions, Inc., National Rx Services, Inc. of Pennsylvania, MEDCO Containment Services, Inc., and Keystone Health Plan East, Inc. The modifications will expand the

terms of the agreement to offer an additional PAID Exclusive Provider Network to certain specified Independence Blue Cross subscribers. This filing consists of one form and 66 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg and Philadelphia. Refer to Insurance Department File No. 9610150019001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections, to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1855. Filed for public inspection November 1, 1996, 9:00 a.m.]

Workers' Compensation Security Fund Assessment

The Insurance Commissioner has determined that assessments will be required for the Workers' Compensation Security Fund (WCSF) for 1996. Accordingly, a 1% assessment on the net written premiums of all insurers writing workers' compensation insurance in the Commonwealth as of June 30, 1996 will occur.

Under section 5 of the Workers' Compensation Security Fund Act (77 P. S. § 1055), the Commissioner shall impose a 1% assessment of net written premium on all insurers if the WCSF Balance minus the WCSF Loss Reserve is less than 5% of the Insurers' Loss Reserve. The Commissioner ascertained that the Insurers' Loss Reserve as of June 30, 1996 is \$7,502,000,000. Five percent of that reserve is \$375,100,000. The WCSF Balance minus the WCSF Loss Reserve is -\$28,900,000. Accordingly, the WCSF Balance less the WCSF Loss Reserve is less than 5% of Insurers' Loss Reserve, triggering the need for the assessment.

Payment of the assessment is due no later than December 11, 1996. Insurers will be billed by the WCSF in early November, 1996. Questions or comments regarding the assessment may be directed to Michael P. Sullivan, Claims Manager, Workers' Compensation Security Fund, 901 N. 7th Street, Harrisburg, PA 17102, Telephone: (717) 783-8093, FAX: (717) 705-0140.

Insurers are reminded that any carrier which fails to pay the contribution when due is subject to a 5% penalty for each month (or portion thereof) during which the contribution is not timely paid. Additional penalties for nonpayment can also include revocation of the insurer's certificate of authority. (77 P. S. § 1059)

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1856. Filed for public inspection November 1, 1996, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Final FY 1996/1997 Project Priority List and FY 1996 Intended Use Plan; Water Pollution Control Revolving Fund Projects

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have received approval from the Environmental Protection Agency of the final Federal fiscal year 1996/1997 sewage construction Project Priority List and fiscal year 1996 Intended Use Plan (IUP) list of municipal sewerage projects to be considered for a construction loan from funds Pennsylvania will receive from appropriations under the Federal Water Quality Act of 1987 to capitalize the Water Pollution Control Revolving Fund (WPCRF).

A public hearing was held on June 5, 1996, for the purpose of receiving comments from the public regarding the FY 1996/1997 WPCRF Project Priority List and the FY 1996 IUP. Interested persons were invited to express their views on the priority rating or ranking of projects on the Project Priority List and the IUP at the public hearing. A summary of the testimony received is available for review by any interested person, by contacting the Administrative Services Section, Division of Municipal Planning and Finance, Bureau of Water Quality Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, telephone (717) 787-6744.

Interested persons may direct questions relating to the status of a project or its priority rating to the appropriate regional office of the Department. A list of the Department's regional offices follows:

Southeast Region:

Water Management Program Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA
19428
(610) 832-6130

Northeast Region:

Water Management Program Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2553

Southcentral Region:

Water Management Program Manager
One Ararat Boulevard, Harrisburg, PA 17110
(717) 657-4590

Northcentral Region:

Water Management Program Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3669

Southwest Region:

Water Management Program Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4000

Northwest Region:

Water Management Program Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6942

The Final FY 1996/1997 WPCRF Project Priority List and the FY 1996 Intended Use Plan are at Annex A to this notice.

JAMES M. SEIF,

Secretary

Department of Environmental Protection

PAUL K. MARCHETTI,

Executive Director

Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
FINAL FY 1996 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION
- FL EQ — FLOW EQUALIZATION BASIN

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

PENNSYLVANIA BULLETIN, VOL. 26, NO. 44, NOVEMBER 2, 1996

NOTICES

APPLICANT NAME ADDRESS CITY	COUNTY	PROJECT TYPE	PROJECT NUMBER	PROJECT PRIORITY	PROJECT RANKING
NEEDS CATEGORIES	NEEDS CATEGORIES	NEEDS CATEGORIES	NEEDS CATEGORY	ELIGIBLE PROJECT COST	
I: IVA:	II: IVB:	IIIA: V:	IIIB:		
CALIFORNIA BOROUGH SAN AUTH PO BOX 696 CALIFORNIA	WASHINGTON	SS PA0022241	CS420269-02	27	131
I: \$0 IVA: \$210,000	PA 15419 II: \$0 IVB: \$0	IIIA: \$0 V: \$0	IIIB: \$0	\$0	\$210,000
CONEMAUGH TOWNSHIP SUPERVISORS RD 4 BOX A-20 JOHNSTOWN	SOMERSET	STP PS INT SS PA0217301	CS421918-01	38	28
I: \$1,470,970 IVA: \$2,075,000	PA 15905 II: \$0 IVB: \$750,000	IIIA: \$0 V: \$0	IIIB: \$0	\$0	\$4,295,970
DUBOIS CITY PO BOX 408 16 W SCRIBNER AVE DUBOIS	CLEARFIELD	STPMOD PA0027375	CS421874-01	19	216
I: \$799,350 IVA: \$0	PA 15801 II: \$0 IVB: \$0	IIIA: \$0 V: \$0	IIIB: \$0	\$0	\$799,350

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III: V:	NEEDS CATEGORY IIIB:			
FORTY-FORT BOROUGH 1271 WYOMING AVENUE FORTY-FORT I: \$0 IVA: \$0	PA	LUZERNE 18704	SS PA0026107	12	266	\$125,150
HARMONY TOWNSHIP 2501 WOODLAND ROAD AMBRIDGE I: \$0 IVA: \$1,800,000	PA	BEAVER 15003	SS	10	269	\$1,800,000
HARRISBURG AUTHORITY ONE KEYSTONE PLAZA SUITE 104 HARRISBURG I: \$0 IVA: \$0	PA	DAUPHIN 17101	SS CSO	8	279	\$1,893,000
JEFFERSON TOWNSHIP S A RR4 BOX 179 LAKE ARIEL I: \$0 IVA: \$6,334,000	PA	LACKAWANNA 18436	STP INT PS SS	35	55	\$11,000,000
LAWRENCE PARK TOWNSHIP 4230 IROQUOIS ERIE I: \$0 IVA: \$0	PA	ERIE 16511	SS	21	195	\$492,169
LAWRENCE TWP M A R D 1 BOX 343A LAWRENCEVILLE I: \$1,026,260 IVA: \$872,827	PA	TIOGA 16929	STP,SS,INT	23	167	\$2,356,000
LEHIGHTON AREA P O BOX 29 LEHIGHTON I: \$9,259,546 IVA: \$0	PA	CARBON 18235	STP,PS,INT,SS PA0020494	30	96	\$10,968,226
MARYSVILLE BOROUGH 200 OVERCREST ROAD PO BOX A MARYSVILLE I: \$3,229,000 IVA: \$150,000	PA	PERRY 17053	STPMOD,INT,SS PA0021571	28	124	\$4,800,000

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
MOUNT CARMEL BORO 100 NORTH ONE STREET MOUNT CARMEL I: \$0 IVA: \$0	PA	NORTHUM- BERLAND 17851	SS	III A: \$0 V: \$0	III B: \$0	10	273	\$235,000
NEW CASTLE SANITATION AUTHORITY 30 E WASHINGTON ST NEW CASTLE I: \$0 IVA: \$0	PA	LAWRENCE 16101	STPMOD PA0027511	III A: \$0 V: \$0	III B: \$0	15	245	\$11,449,306
NORTHERN BLAIR COUNTY RSA RR 4 BOX 236A TYRONE I: \$0 IVA: \$741,378	PA	BLAIR 16686	SS	III A: \$0 V: \$0	III B: \$0	35	58	\$741,378
NORTHERN BLAIR COUNTY RSA RR 4 BOX 236A TYRONE I: \$0 IVA: \$381,422	PA	BLAIR 16686	SS	III A: \$0 V: \$0	III B: \$0	35	59	\$381,422
SCHUYLKILL VALLEY SEWER AUTH 153 SCHOOL ST MARY D I: \$2,795,720 IVA: \$4,863,169	PA	SCHUYLKILL 17952	STP INT SS	III A: \$0 V: \$0	III B: \$300,000	38	29	\$10,147,490
SCOTT TOWNSHIP SA R D 1 BOX 458 OLYPHANT I: \$2,123,000 IVA: \$8,039,000	PA	LACKAWANNA 18447	STP, INT, SS PA0063207	III A: \$0 V: \$0	III B: \$0	35	54	\$11,300,000
SNAKE SPRING TWP M A RR1 BOX 453 EVERETT I: \$0 IVA: \$0	PA	BEDFORD 15537	STPMOD PA0084077	III A: \$0 V: \$0	III B: \$0	19	228	\$588,000
SOUTHERN DELAWARE COUNTY AUTH 101 BEECH STREET BOOTHWYN I: \$0	PA	CHESTER 19061	SS REHAB	III A: \$0	III B: \$335,400	26	144	

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III: V:	NEEDS CATEGORY IIIB:			
WARMINSTER TWP MA 415 GIBSON AVE WARMINSTER	PA	BUCKS 18974	SS REHAB	CS421881-01	15	249
I: \$0	II: \$0	III: \$0	IIIB: \$410,625			
IVA: \$0	IVB: \$0	V: \$0		\$410,625		
WESLEYVILLE BOROUGH 3421 BUFFALO ROAD ERIE	PA	ERIE 16510	SS	CS421882-01	21	194
I: \$0	II: \$0	III: \$0	IIIB: \$528,400			
IVA: \$0	IVB: \$0	V: \$0		\$528,400		
PENNSYLVANIA 42				JULY 17, 1996		
(STATE) (NUMBER)				(DATE)		

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER POLLUTION CONTROL REVOLVING FUND
FINAL FY 1996 AND FY 1997 PROJECT PRIORITY LIST

IN PRIORITY ORDER

NEEDS CATEGORY: EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION
- FL EQ — FLOW EQUALIZATION BASIN

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III: V:	PROJECT NUMBER PRIORITY RATING PROJECT RANKING NEEDS CATEGORY III: ELIGIBLE PROJECT COST
HIGHLAND TWP JAMES CITY PO BOX 435 DEYOUNG I: \$0 IVA: \$197,555	PA	ELK 16725	STP,SS PA0221520	II: \$200,000 IVB: \$0	III: \$0 V: \$0	CS421551-01 57 1 \$397,555
WALKER TWP SUPERVISORS RR 2 BOX 195 MIFFLINTOWN I: \$1,190,000 IVA: \$2,402,000	PA	JUNIATA 17059	STP, SS	II: \$0 IVB: \$0	III: \$0 V: \$0	CS421838-01 55 2 \$3,592,000
QUINCY TWP BOARD OF SUPERVI- SORS 7575 MENTZER GAP ROAD WAYNESBORO I: \$0 IVA: \$4,400,000	PA	FRANKLIN 17268	STP PS SS	II: \$1,200,000 IVB: \$0	III: \$0 V: \$0	CS421946-01 53 3 \$5,600,000
NEW RINGGOLD BOROUGH PO BOX 181 NEW RINGGOLD I: \$285,000 IVA: \$357,000	PA	SCHUYL- KILL 17960	STP INT SS	II: \$0 IVB: \$358,000	III: \$0 V: \$0	CS421944-01 52 4 \$1,000,000
NORTH UNION TWP BOX 5 NUREMBERG I: \$270,000 IVA: \$0	PA	SCHUYL- KILL 18241	STP	II: \$0 IVB: \$170,000	III: \$0 V: \$0	CS421735-01 51 5 \$440,000
BESSEMER BOROUGH PO BOX 789 BESSEMER I: \$2,113,600 IVA: \$3,521,400	PA	LAWRENCE 16112	STP SS PS PA0210471	II: \$1,360,000 IVB: \$0	III: \$0 V: \$0	CS421540-01 49 6 \$6,995,000
GEORGES CREEK MUN AUTH RD 3 BOX 372 SMITHFIELD I: \$1,160,000 IVA: \$1,383,000	PA	FAYETTE 15478	SS,INT,STP	II: \$493,000 IVB: \$228,000	III: \$0 V: \$0	CS421488-01 49 7 \$3,264,000
NORTH LEBANON TOWNSHIP M A 725 KIMMERLINGS ROAD LEBANON I: \$0 IVA: \$3,736,000	PA	LEBANON 17046	INT SS PS	II: \$0 IVB: \$0	III: \$0 V: \$0	CS421841-01 47 8 \$3,736,000
DUBLIN TWP SUPERVISORS HC 75 BOX 240		FULTON	STP,SS			CS421813-01

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
DELANO TWP 140 HAZLE STREET DELANO I: \$658,000 IVA: \$0	PA	SCHUYLKILL 18220 \$0	STPMOD ,INT	III A: \$0 V: \$0	III B: \$0	46	10	\$2,295,000
ROSS TOWNSHIP SAN AUTH PO BOX 255 SWEET VALLEY I: \$300,000 IVA: \$350,000	PA	LUZERNE 18656 \$0	STP SS INT	III A: \$0 V: \$0	III B: \$0	46	11	\$1,000,000
CENTER TOWNSHIP PO BOX 369 ROGERSVILLE I: \$754,000 IVA: \$3,705,000	PA	GREENE 15359 \$0	SS,INT,STP	III A: \$0 V: \$0	III B: \$0	44	12	\$4,867,000
BLACK CREEK TWP BOX 3 ROCKGLEN I: \$1,277,000 IVA: \$1,674,000	PA	LUZERNE 18246 \$0	SS STP INT	III A: \$0 V: \$0	III B: \$0	44	13	\$3,316,000
THOMPSON BORO PO BOX 89 THOMPSON I: \$238,844 IVA: \$462,984	PA	SUSQUEHANNA 18465 \$0	STP INT SS PS	III A: \$0 V: \$0	III B: \$0	44	14	\$804,000
CONEMAUGH TWP TIRE HILL RD 4 BOX A 20 JOHNSTOWN I: \$9,750,000 IVA: \$2,167,000	PA	SOMERSET 15905 \$0	INT, SS	III A: \$0 V: \$0	III B: \$0	43	15	\$12,907,000
BETHEL TOWNSHIP RD #2, BOX 28 WARFORDSBURG I: \$1,178,000 IVA: \$0	PA	FULTON 17267 \$0	SS	III A: \$0 V: \$0	III B: \$0	43	16	\$1,178,000
SPRING TWP SUPERVISORS 457 MUSSER LANE BELLEFONTE I: \$0 IVA: \$923,000	PA	CENTRE 16823 \$0	INT SS PS PA0020486	III A: \$0 V: \$0	III B: \$0	41	17	\$1,301,000
CECH TOWNSHIP M A HEND LAW		WASHINGTON	SS INT STP					CS421021-03

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
CLARENDON BOROUGH MEAD TWP PO BOX 335 CLARENDON I: \$2,091,492 IVA: \$6,660,108	PA	16313	WARREN	STP,INT,SS	III A: \$0 V: \$0	III B: \$0	41	19	\$8,751,600
ABBOTT TOWNSHIP RR 1 BOX 75C GALETON I: \$306,000 IVA: \$665,000	PA	16922	POTTER	STP INT SS	III A: \$0 V: \$0	III B: \$0	41	20	\$1,034,000
DUNBAR BOROUGH 133 CONNELLSVILLE STREET DUNBAR I: \$0 IVA: \$312,000	PA	15431	FAYETTE	STP,INT,SS PA0093530	III A: \$0 V: \$0	III B: \$0	41	21	\$357,000
FALLS CREEK 117 TAYLOR AVENUE FALLS CREEK I: \$0 IVA: \$3,653,000	PA	15840	JEFFERSON	SS	III A: \$0 V: \$0	III B: \$0	40	22	\$3,653,000
SANDYCREEK TWP RR 4 BOX 934 FRANKLIN I: \$0 IVA: \$2,758,505	PA	16323	VENANGO	SS,PS	III A: \$0 V: \$0	III B: \$0	40	23	\$2,758,505
CENTER TWP S A 224 CENTER GRANGE RD ALIQUIPPA I: \$0 IVA: \$450,000	PA	15001	BEAVER	SS PA0037940	III A: \$0 V: \$0	III B: \$0	40	24	\$450,000
KILBUCK TWP 343 EICHER ROAD PITTSBURGH I: \$0 IVA: \$269,000	PA	15237	ALLEGHENY	SS, PS	III A: \$0 V: \$0	III B: \$0	40	25	\$269,000
POTTER TWP RD 1 BOX 307 CENTRE HALL I: \$0	PA	16828	CENTRE	SS,INT	III A: \$0	III B: \$0	40	26	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
CONEMAUGH TOWNSHIP SUPERVISORS RD 4 BOX A-20 JOHNSTOWN I: \$1,470,970 IVA: \$2,075,000	PA	SOMERSET 15905 \$0	STP PS INT SS PA0217301	III A: \$0 V: \$0	III B: \$0	38	28	\$4,295,970
SCHUYLKILL VALLEY SEWER AUTH 153 SCHOOL ST MARY D I: \$2,795,720 IVA: \$4,863,169	PA	SCHUYLKILL 17952 \$0	STP INT SS	III A: \$0 V: \$0	III B: \$300,000	38	29	\$10,147,490
EAST BETHLEHEM TOWNSHIP BOX 44 VESTABURG I: \$1,533,000 IVA: \$4,122,000	PA	WASHINGTON 15368 \$0	STP, INT, PS PA0205753	III A: \$0 V: \$0	III B: \$0	38	30	\$6,041,900
SHANNOCK VALLEY GEN SERV AUTH PO BOX 342 RURAL VALLEY I: \$1,000,000 IVA: \$3,162,000	PA	ARMSTRONG 16249 \$0	STP,INT,SS PA0216984	III A: \$0 V: \$0	III B: \$0	38	31	\$5,662,000
SMITHTON BOROUGH MUN AUTH PO BOX 288 SMITHTON I: \$1,168,000 IVA: \$1,816,000	PA	WESTMORE- LAND 15479 \$0	STP,INT,SS PA0024881	III A: \$0 V: \$0	III B: \$0	38	32	\$3,206,000
MAPLETON AREA J M A PO BOX 415 HUNTINGDON I: \$0 IVA: \$1,443,477	PA	HUNTINGDON 17052 \$0	STP SS	III A: \$0 V: \$0	III B: \$0	38	33	\$3,012,268
BIG RUN BOROUGH BOX 5 BIG RUN I: \$632,867 IVA: \$2,099,133	PA	JEFFERSON 15715 \$0	STP SS	III A: \$0 V: \$0	III B: \$0	38	34	\$2,732,000
WEST BROWNSVILLE BOROUGH 625 MIDDLE STREET WEST BROWNSVILLE I: \$0	PA	WASHINGTON 15417 \$0	INT, PS, SS	III A: \$0	III B: \$0	38	35	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
KEATING TOWNSHIP PO BOX 103 EAST SMETHPORT I: \$0 IVA: \$1,120,944	PA	MCKEAN 16730 \$0	SS, PS	III A: \$0 V: \$0	III B: \$0	38	37	\$1,120,944
PLYMOUTH TWP 5 TOWERS ROAD SHAVERTOWN I: \$0 IVA: \$830,000	PA	LUZERNE 18708 \$0	SS	III A: \$0 V: \$0	III B: \$0	38	38	\$830,000
BURGETTSTOWN SMITH TWP JSA PO BOX 207 BURGETTSTOWN I: \$3,671,737 IVA: \$3,000,000	PA	WASHINGTON 15021 \$0	STP INT SS PA0216216	III A: \$0 V: \$0	III B: \$0	37	39	\$9,671,737
CECIL TOWNSHIP M A MILLERRUN RD 3 MUNICIPAL BUILDING MCDONALD I: \$0 IVA: \$646,000	PA	WASHINGTON 15057 \$0	INT, SS	III A: \$0 V: \$0	III B: \$0	37	40	\$903,000
WAYNE TWP MA 1418 WAMPUM AVENUE RT 288 ELLWOOD CITY I: \$0 IVA: \$785,400	PA	LAWRENCE 16117 \$0	SS	III A: \$0 V: \$0	III B: \$0	37	41	\$785,400
ROCHESTER TWP SA 632 CALIFORNIA AVE ROCHESTER I: \$0 IVA: \$233,648	PA	BEAVER 15074 \$0	SS	III A: \$0 V: \$0	III B: \$0	37	42	\$233,648
PINEY TWP RD 1 BOX 202 SLIGO I: \$21,000 IVA: \$20,850	PA	CLARION 16255 \$0	STP, SS	III A: \$0 V: \$0	III B: \$0	37	43	\$41,850
LEACOCK TWP 16 EAST WESTVIEW DRIVE INTERCOURSE I: \$2,500,000	PA	LANCASTER 17534 \$0	STP,INT PA0084212 44	37 III A: \$0	III B: \$0			

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
MENALLEN TOWNSHIP S A PO BOX 576 NEW SALEM I: \$0 IVA: \$553,000	PA	FAYETTE 15468 \$0	SS,INT,PS PA2696402	III A: V: \$0	III B: \$0	35	46	\$753,000
FOREST HILLS MA BOX 111 SOUTH FORK I: \$3,500,000 IVA: \$7,300,000	PA	CAMBRIA 15956 \$0	STP INT SS	III A: V: \$0	III B: \$0	35	47	\$14,800,000
MCADOO BORO 23 NORTH HANCOCK ST MCADOO I: \$4,234,000 IVA: \$0	PA	SCHUYLKILL 18237 \$0	STP,INT,SS	III A: V: \$0	III B: \$0	35	48	\$4,234,000
PORT CLINTON BOROUGH NORTH STREET PORT CLINTON BORO I: \$1,200,000 IVA: \$1,440,000	PA	SCHUYLKILL 19549 \$0	STP INT SS PS	III A: V: \$0	III B: \$0	35	49	\$2,700,000
KLINE TWP WOODSIDE TERRACE MCADOO I: \$0 IVA: \$1,424,000	PA	SCHUYLKILL 18237 \$0	SS,INT	III A: V: \$0	III B: \$0	35	50	\$1,605,000
BANKS TWP 23 EAST OAK ST TRESCKOW I: \$0 IVA: \$1,004,000	PA	CARBON 18254 \$0	PS SS	III A: V: \$0	III B: \$0	35	51	\$1,004,000
GILBERTON BORO MAIN ST MAIZEVELLE GILBERTON I: \$0 IVA: \$0	PA	SCHUYLKILL 17934 \$0	SS,INT,STP 52	III A: V: \$0	III B: \$0			\$466,000
HEIDELBERG TWP SUPERVISORS MILL ROAD BOX 88 SCHAEFFERSTOWN I: \$1,600,000	PA	LEBANON 17088 \$0	STP SS	III A: \$0	III B: \$0	35	53	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	ELIGIBLE PROJECT COST
SCOTT TOWNSHIP SA RD 1 BOX 458 OLYPHANT I: \$2,123,000 IVA: \$8,039,000	PA	18447	LACKAWANNA	STP, INT, SS PA0063207	CS421672-01 35 55	II: \$879,000 IVB: \$259,000	III A: \$0 V: \$0	III B: \$0	\$11,300,000
JEFFERSON TOWNSHIP S A RR 4 BOX 179 LAKE ARIEL I: \$0 IVA: \$6,334,000	PA	18436	LACKAWANNA	STP INT PS SS	CS421683-01 35 56	II: \$3,785,800 IVB: \$880,200	III A: \$0 V: \$0	III B: \$0	\$11,000,000
HOPEWELL TOWNSHIP RD 1 BOX 95 JAMES CREEK I: \$461,000 IVA: \$606,000	PA	16657	HUNTINGDON	STP,SS PA0082759	CS421571-01 35 57	II: \$0 IVB: \$0	III A: \$0 V: \$0	III B: \$0	\$1,067,000
LANCASTER TOWNSHIP 1240 MAPLE AVENUE LANCASTER I: \$0 IVA: \$744,000	PA	17603	LANCASTER	SS	CS421514-01 35 58	II: \$0 IVB: \$0	III A: \$0 V: \$0	III B: \$0	\$744,000
NORTHERN BLAIR COUNTY RSA RR 4 BOX 236A TYRONE I: \$0 IVA: \$741,378	PA	16686	BLAIR	SS	CS421878-01 35 59	II: \$0 IVB: \$0	III A: \$0 V: \$0	III B: \$0	\$741,378
NORTHERN BLAIR COUNTY RSA RR 4 BOX 236A TYRONE I: \$0 IVA: \$381,422	PA	16686	BLAIR	SS	CS421698-01 35 60	II: \$0 IVB: \$0	III A: \$0 V: \$0	III B: \$0	\$381,422
DELMAR TWP RD 6 BOX 268 WELLSBORO I: \$121,235 IVA: \$149,686	PA	16901	TIOGA	SS,INT	CS421758-01 35 61	II: \$19,735 IVB: \$0	III A: \$0 V: \$0	III B: \$0	\$290,656
RICE TWP 3000 CHURCH ROAD MOUNTAINTOP I: \$0	PA	18707	LUZERNE	SS	CS421901-01 35 62	II: \$0	III A: \$0	III B: \$0	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
PORTAGE AREA SEWER AUTHORITY 606 CAMBRIA STREET PORTAGE I: \$0 IVA: \$2,260,000	PA	CAMBRIA 15946 \$0	SS, INT	III A: \$0 V: \$0	III B: \$0	34	64	\$3,160,000
BRANCH TWP PO BOX 295 LLEWELLYN I: \$2,500,000 IVA: \$5,300,000	PA	SCHUYLILL 17944 \$0	STP SS INT	III A: \$0 V: \$0	III B: \$0	34	65	\$7,800,000
CONYNGHAM TWP SUPERVISORS PO BOX 14 WILBURTON I: \$0 IVA: \$3,535,895	PA	COLUMBIA 17888 \$0	PS,INT,SS	III A: \$0 V: \$0	III B: \$0	34	66	\$5,902,668
JEDDO BOROUGH RD BOX 1269 FREELAND I: \$0 IVA: \$1,200,000	PA	LUZERNE 18224 \$0	INT SS PS	III A: \$0 V: \$0	III B: \$0	34	67	\$2,300,000
WASHINGTON TOWNSHIP 13013 WELTY RD WAYNESBORO I: \$4,105,000 IVA: \$242,000	PA	FRANKLIN 17268 \$0	STP MOD,SS PA0080225	III A: \$0 V: \$0	III B: \$0	34	68	\$4,347,000
AVONDALE BOROUGH PO BOX 263 AVONDALE I: \$1,646,000 IVA: \$0	PA	CHESTER 19311 \$0	STPMOD PA0025488	III A: \$0 V: \$0	III B: \$0	34	69	\$1,646,000
HAMILTON TOWNSHIP 272 MUMMERTS CHURCH ROAD ABBOTTSTOWN I: \$0 IVA: \$1,100,000	PA	ADAMS 17301 \$0	SS	III A: \$0 V: \$0	III B: \$0	34	70	\$1,100,000
EPHRATA BOROUGH AUTHORITY 114 EAST MAIN STREET EPHRATA I: \$12,855,000	PA	LANCASTER 17522 \$0	STP INT PS PA0087181	III A: \$0	III B: \$1,645,000	33	71	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	ELIGIBLE PROJECT COST
SEVEN VALLEYS BOROUGH PO BOX 277 SEVEN VALLEYS I: \$300,000 IVA: \$1,500,000	PA	YORK 17360	STP CS	CS421939-01 33 73	III A: \$0 V: \$0	III B: \$0	\$2,600,000
AYR TWP SUPERVISORS PO BOX 212 McCONNELLSBURG I: \$436,000 IVA: \$889,000	PA	FULTON 17233	STP SS PA0020508	CS421812-01 33 74	III A: \$0 V: \$0	III B: \$0	\$1,325,000
TAYLOR TWP SUPERVISORS PO BOX 627 HUSTONTOWN I: \$593,000 IVA: \$505,000	PA	FULTON 17229	STP SS	CS421922-01 33 75	III A: \$0 V: \$0	III B: \$0	\$1,098,000
PENN TWP STEPLAND MCBRIDE 6498 OLD PLANK ROAD BUTLER I: \$760,700 IVA: \$1,772,050	PA	BUTLER 16001	STP, SS	CS421015-03 33 76	III A: \$0 V: \$0	III B: \$0	\$2,532,750
PENN TWP RENFREW AREA 6498 OLD PLANK ROAD BUTLER I: \$167,000 IVA: \$579,000	PA	BUTLER 16001	STP, SS	CS421824-01 33 77	III A: \$0 V: \$0	III B: \$0	\$746,000
EAST HANOVER TOWNSHIP RD 2 BOX 3750 GRANTVILLE I: \$1,294,400 IVA: \$2,296,200	PA	DAUPHIN 17028	STP,INT,PS N/A	CS421575-01 33 78	III A: \$0 V: \$0	III B: \$0	\$3,590,600
JENNER AREA JOINT SEWER AUTHOR PO BOX 202 JENNERSTOWN I: \$0 IVA: \$2,060,000	PA	SOMERSET 15547	INT, SS PA5672403	CS421950-01 32 79	III A: \$0 V: \$0	III B: \$0	\$2,560,000
BUFFALO TWP SUPERVISORS 109 BEAR CREEK ROAD SARVER I: \$0 II: \$2,300,000	PA	BUTLER 16055	STP SS PS PA0221449	CS421541-01 32 80	III A: \$0	III B: \$0	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
LEHIGH COUNTY AUTH PO BOX 3348 ALLENTOWN I: \$0 IVA: \$0	PA	LEHIGH 18106 \$0	INT	III A: \$0 V: \$0	III B: \$0	32	82	\$8,839,900
WEST FALLOWFIELD TWP RD 1 HARTSTOWN I: \$450,000 IVA: \$1,883,568	PA	CRAWFORD 16131 \$0	STP SS	III A: \$0 V: \$0	III B: \$0	32	83	\$2,333,568
SULLIVAN TWP SUPERVISORS PO BOX 84 MAINESBURG I: \$346,000 IVA: \$742,000	PA	TIOGA 16932 \$0	STP SS	III A: \$0 V: \$0	III B: \$0	32	84	\$1,159,000
HALLSTEAD/GREAT BEND JSA PO BOX 757 GREAT BEND I: \$0 IVA: \$900,000	PA	SUSQUEHANNA 18821 \$0	SS,PS PA0060518	III A: \$0 V: \$0	III B: \$0	32	85	\$900,000
SOUTH VERSAILLES TWP BOX 66 COULTER I: \$0 IVA: \$270,000	PA	ALLEGHENY 15028 \$0	SS	III A: \$0 V: \$0	III B: \$0	32	86	\$270,000
MERCERSBURG BOROUGH 113 SOUTH MAIN STREET MERCERSBURG I: \$0 IVA: \$0	PA	FRANKLIN 17236 \$0	STP SS PS PA0022179	III A: \$0 V: \$0	III B: \$0	32	87	\$1,160,225
MEADVILLE CITY OF 984 WATER STREET MEADVILLE I: \$0 IVA: \$0	PA	CRAWFORD 16335 \$0	STP MOD, PS PA0026271	III A: \$0 V: \$0	III B: \$0	31	88	\$10,410,203
SOUTH ANNVILLE TWP RD 4 BOX 454 LEBANON I: \$0	PA	LEBANON 17042 \$0	PS,SS	III A: \$0	III B: \$0	31	89	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	ELIGIBLE PROJECT COST
FOSTER TWP (AGMAR ESTATES) RR 2 BOX 1729 FREELAND I: \$0 IVA: \$0	PA	18224 \$0	LUZERNE	INT PS PA0020435	CS421888-01 31 91	II: \$1,080,000	III A: \$0 V: \$0	III B: \$0	\$1,080,000
WAYMART BOROUGH M A PO BOX 224 WAYMART I: \$450,000 IVA: \$0	PA	18472 \$0	WAYNE	STPMOD SSREH PA0046353	CS421903-01 31 92	II: \$88,000	III A: \$94,000 V: \$0	III B: \$0	\$632,000
BERLIN TWP PO BOX 61 BEACH LAKE I: \$500,000 IVA: \$0	PA	18405 \$0	WAYNE	STPMOD	CS421740-01 31 93	II: \$0	III A: \$0 V: \$0	III B: \$0	\$500,000
MANOR TOWNSHIP 950 WEST FAIRWAY DRIVE LANCASTER I: \$0 IVA: \$6,505,000	PA	17603 \$0	LANCASTER	PS,SS PA0042269	CS421518-01 31 94	II: \$0	III A: \$0 V: \$0	III B: \$0	\$6,505,000
PARRYVILLE BOROUGH RR 3 BOX 3431 PALMERTON I: \$490,600 IVA: \$2,420,000	PA	18071 \$0	CARBON	STP MOD,SS,PS	CS421633-01 31 95	II: \$330,000	III A: \$0 V: \$0	III B: \$0	\$3,240,600
MT POCONO MUN AUTH 1 POCONO BLVD MT POCONO I: \$633,000 IVA: \$0	PA	18344 \$0	MONROE	STP MOD PA0044997	CS421632-01 31 96	II: \$2,165,000 IVB: \$0	III A: \$0 V: \$0	III B: \$0	\$2,798,000
NORTHEASTERN SCHUYLKILL J M A RR1 GRIER CITY BARNESVILLE I: \$320,000 IVA: \$0	PA	18214 \$0	SCHUYLKILL	STP PS SS	CS421947-01 31 97	II: \$0	III A: \$0 V: \$0	III B: \$0	\$320,000
CENTRAL CARBON M A PO BOX 29 LEHIGHTON I: \$0 IVA: \$0	PA	18235 \$0	CARBON	STP,PS,INT,SS PA0020494	CS421667-01 30 98	II: \$0	III A: \$0 V: \$0	III B: \$0	\$0

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
FRANKLIN TWP 900 FAIRYLAND ROAD LEHIGHTON I: \$0 IVA: \$2,532,102	PA	18235 \$0	CARBON	SS PS INT	III A: \$0 V: \$0	III B: \$0	30	100	\$2,764,749
JIM THORPE BOROUGH 101 CENTER AVENUE JIM THORPE I: \$232,000 IVA: \$841,000	PA	18229 \$0	CARBON	STPMOD SSREH PA0021873	III A: \$0 V: \$0	III B: \$896,000	30	101	\$2,311,000
ARARAT TWP RR 1 BOX 23E THOMPSON I: \$750,000 IVA: \$750,000	PA	18465 \$0	SUSQUEHANNA	STP SS PA0063321	III A: \$0 V: \$0	III B: \$0	30	102	\$1,500,000
MAHONING TOWNSHIP 2685 MAHONING DRIVE EAST LEHIGHTON I: \$0 IVA: \$3,461,476	PA	18235 \$0	CARBON	STP INT SS PA0062278	III A: \$0 V: \$0	III B: \$0	29	103	\$3,685,876
KELLY TWP SUPERVISORS 1111 ZEIGLER ROAD LEWISBURG I: \$403,000 IVA: \$590,000	PA	17837 \$0	UNION	STP INT SS PS	III A: \$0 V: \$0	III B: \$0	29	104	\$1,120,000
UPPER POTTS GROVE TOWNSHIP 1420 HEATHER PLACE POTTSTOWN I: \$0 IVA: \$0	PA	19464 \$0	MONT- GOMERY	INT	III A: \$0 V: \$0	III B: \$0	29	105	\$4,031,000
ARMSTRONG TOWNSHIP SUPERVISORS 2114 WHEATLAND AVE WILLIAMSPORT I: \$0 IVA: \$2,667,092	PA	17701 \$0	LYCOMING	INT SS	III A: \$0 V: \$0	III B: \$0	29	105	\$2,935,920
BUFFALO TWP SUPERVISORS RD 2 BOX 5 MIFFLINBURG	PA	17844	UNION	STPMOD INT SS PA0115363			29	106	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	ELIGIBLE PROJECT COST
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORIES III B:	NEEDS CATEGORY III B:		
VALLEY TWP SUPERVISORS 500 McCracken Road Danville I: \$458,000 IVA: \$1,159,000	PA	17821	MONTOUR	STPMOD INT SS PA0035602	CS421938-01 29 108	\$0 \$1,878,000
HARTLEY TWP M A RD #1 MILLMONT I: \$0 IVA: \$763,278	PA	17845	UNION	INT SS PS	CS421783-01 29 109	\$0 \$1,249,000
METAL TWP M A PO BOX 216 WILLOW HILL I: \$0 IVA: \$967,000	PA	17271	FRANKLIN	STP,SS	CS421814-01 29 110	\$0 \$1,213,400
ROSE TOWNSHIP ROUTE 3 BOX 143 BROOKVILLE I: \$0 IVA: \$932,180	PA	15825	JEFFERSON	STP SS PS	CS421914-01 29 111	\$0 \$992,180
CENTERPORT BOROUGH R D 1 BOX 84X PA0085669 MOHRSVILLE I: \$390,000 IVA: \$565,000	PA	19541	BERKS	STP, INT	CS421780-01 29 112	\$0 \$955,000
UPPER POTTS GROVE TOWNSHIP 1420 HEATHER PLACE POTTSTOWN I: \$0 IVA: \$209,338	PA	19464	MONT-GOMERY	INT	CS421850-01 29 113	\$0 \$420,000
COOLBAUGH TOWNSHIP 5550 MEMORIAL BLVD TOBYHANNA I: \$2,124,000 IVA: \$12,219,000	PA	18466	MONROE	STP MOD, SS PA0062294	CS421663-01 29 114	\$0 \$14,777,000
BEAVER FALLS CITY 715 FIFTEENTH ST BEAVER FALLS I: \$0 IVA: \$0	PA	15010	BEAVER	STP SSREHAB PA0026883	CS421869-01 29 115	\$0 \$0

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
HARRISON TWP SUPERVISORS 120 WEST MAIN STREET HARRISON VALLEY I: \$649,128 IVA: \$2,141,000	PA	POTTER 16927	STP, SS	III A: \$0 V: \$0	III B: \$0	29	117	\$2,895,800
LOGANVILLE BOROUGH BOX 88 LOGANVILLE I: \$0 IVA: \$1,337,000	PA	YORK 0	STP,PS,SS	III A: \$0 V: \$0	III B: \$0	29	118	\$2,680,000
PENN LAKE PARK BORO BOX 133 PENN LAKE WHITE HAVEN I: \$619,500 IVA: \$1,978,500	PA	LUZERNE 18661	STP, INT, SS	III A: \$0 V: \$0	III B: \$0	29	119	\$2,598,000
ROULETTE TOWNSHIP PO BOX 153 ROULETTE I: \$366,000 IVA: \$2,203,000	PA	POTTER 16746	STP,SS	III A: \$0 V: \$0	III B: \$0	29	120	\$2,569,000
LEESPORT BOROUGH 349 N CENTRE AVE LEESPORT I: \$1,026,000 IVA: \$406,000	PA	BERKS 19533	STPMOD,SS PA0070149	III A: \$0 V: \$0	III B: \$0	29	121	\$1,432,000
EAST SIDE BOROUGH 53 N SHERMAN RD WHITE HAVEN I: \$0 IVA: \$429,000	PA	CARBON 18661	STP, SS	III A: \$0 V: \$0	III B: \$0	29	122	\$583,000
PLUM BOROUGH HOLIDAY PARK 4575 NEW TEXAS ROAD PITTSBURGH I: \$0 IVA: \$0	PA	ALLEGHENY 15239	SS REHAB	III A: \$0 V: \$0	III B: \$0	29	123	\$207,060
COALMONT BOROUGH R D 1 SAXTON I: \$112,000	PA	HUNTINGDON 16678	STP,SS PA0084883	III A: \$0	III B: \$0	29	124	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	ELIGIBLE PROJECT COST
ERIE SEWER AUTHORITY 626 STATE STREET ERIE I: \$0 IVA: \$0	PA	ERIE 16501 \$0	STPMOD PA0026301	CS421909-01 28 126	\$0 \$23,600,000	\$0	\$23,600,000
MILLCREEK TWP SEWER AUTHORITY 3608 W 26TH ST PO BOX 8268 ERIE I: \$0 IVA: \$16,286,000	PA	ERIE 16505 \$0	INT	CS421714-01 28 127	\$0 \$0	\$0	\$16,686,000
FARRELL S A 500 ROEMER BLVD FARRELL I: \$1,500,000 IVA: \$0	PA	MERCER 16121 \$0	STP PA0027227	CS421770-01 28 128	\$0 \$0	\$0	\$1,500,000
MARYSVILLE BOROUGH 200 OVERCREST ROAD PO BOX A MARYSVILLE I: \$3,229,000 IVA: \$150,000	PA	PERRY 17053 \$0	STPMOD,INT,SS PA0021571	CS421835-01 28 129	\$150,000 \$450,000	\$421,000	\$4,800,000
WEST SALEM TWP. SUPERVISORS 610 VERNON ROAD GREENVILLE I: \$0 IVA: \$2,146,500	PA	MERCER 16125 \$0	SS	CS421860-01 27 130	\$0 \$0	\$0	\$2,146,500
POCONO TOWNSHIP BOX 197 TANNERSVILLE I: \$5,596,100 IVA: \$2,626,056	PA	MONROE 18372 \$0	STP, SS	CS421642-01 27 131	\$0 \$0	\$0	\$8,302,156
TOBYHANNA TOWNSHIP P O BOX 880 STATE AVE POCONO PINES I: \$2,240,862 IVA: \$5,583,943	PA	MONROE 18350 \$0	STP INT SS PS PA0063533	CS421674-01 27 132	\$0 \$0	\$0	\$7,824,805
ALLEGHENY TOWNSHIP 3131 OLD SIXTH AVENUE NORTH DUNCANSVILLE I: \$0	PA	BLAIR 16635 \$0	SS	CS421395-01 27 133	\$0	\$0	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
EAST LAMPETER TOWNSHIP 2205 OLD PHILADELPHIA PIKE LANCASTER I: \$0 IVA: \$1,626,000	PA	LANCASTER 17602	PS, INT	III A: \$0 V: \$0	III B: \$0	27	135	\$1,626,000
CALIFORNIA BOROUGH SAN AUTH PO BOX 696 CALIFORNIA I: \$0 IVA: \$210,000	PA	WASHINGTON 15419	SS PA0022241	III A: \$0 V: \$0	III B: \$0	27	136	\$210,000
HUSTON TWP R D 1 PENFIELD I: \$175,000 IVA: \$150,000	PA	CLEARFIELD 15849	SS,STP,INT	III A: \$0 V: \$0	III B: \$0	27	137	\$375,000
LOWER BUCKS COUNTY JMA 7811 NEW FALLS ROAD LEVITTOWN I: \$0 IVA: \$0	PA	BUCKS 19055	STP MOD PA0026468 138	27 III A: \$0 V: \$0	III B: \$0			\$2,049,130
WASHINGTON TWP PO BOX 27 SLATEDALE I: \$374,649 IVA: \$3,047,995	PA	LEHIGH 18079	STPMOD INT SS	III A: \$0 V: \$0	III B: \$0	26	139	\$3,643,820
DICKSON CITY BOROUGH BOROUGH BLDG DICKSON CITY I: \$0 IVA: \$1,500,000	PA	LACKAWANNA 18519	INT, SS	III A: \$0 V: \$0	III B: \$0	26	140	\$1,725,000
GREENFIELD TOWNSHIP M A RD 1 BOX 948 CLAYSBURG I: \$0 IVA: \$4,802,600	PA	BLAIR 16625	STP REHAB SS	III A: \$0 V: \$0	III B: \$0	26	141	\$8,397,600
WEST BUFFALO TOWNSHIP R D 3 BOX 237 MIFFLINBURG I: \$0	PA	UNION 17844	PS, INT, SS PA0028461	III A: \$0	III B: \$0	26	142	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
TEXAS TWP M A WILLOW AVE HONESDALE I: \$0 IVA: \$600,000	PA	WAYNE 18431 \$0	INT PS SS	III A: V: \$0	III B: \$0	26	144	\$1,400,000
FOSTER TOWNSHIP R D BOX 1729 FREELAND I: \$0 IVA: \$1,120,000	PA	LUZERNE 18224 \$0	STP,PS,INT,SS	III A: V: \$0	III B: \$0	26	145	\$1,357,000
CRESSON BOROUGH PO BOX 75 623 SECOND ST CRESSON I: \$0 IVA: \$0	PA	CAMBRIA 16330 \$0	SS REHAB PA0110663	III A: V: \$0	III B: \$1,063,000	26	146	\$1,063,000
LAMAR TWP R D 1 BOX 129A MILL HALL I: \$180,000 IVA: \$150,000	PA	CLINTON 17751 \$0	STP,SS,INT	III A: V: \$0	III B: \$0	26	147	\$380,000
WALKER TWP R D 2 BELLEFONTE I: \$175,000 IVA: \$150,000	PA	CENTRE 16823 \$0	STP,SS,INT PA0020486	III A: V: \$0	III B: \$0	26	148	\$375,000
SOUTHERN DELAWARE COUNTY AUTH 101 BEECH STREET BOOTHWYN I: \$0 IVA: \$0	PA	CHESTER 19061 \$0	SS REHAB	III A: V: \$0	III B: \$335,400	26	149	\$335,400
ATHENS TWP 184 HERRICK AVENUE SAYRE I: \$0 IVA: \$551,784	PA	BRADFORD 18840 \$0	PS INT SS PA0114341	III A: V: \$0	III B: \$0	25	150	\$998,910
WORTHINGTON BOROUGH RD 2 BOX 28 WORTHINGTON I: \$2,985,000	PA	ARMSTRONG 16262 \$0	STP, INT, SS	III A: \$0	III B: \$0	25	151	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
WOOD-BROADTOP-WELLS J M A PO BOX 7 WOOD I: \$0 IVA: \$1,619,100	PA	HUNTINGDON 16694	STP INT SS PS PA3192405	III A: \$0 V: \$0	III B: \$0	25	153	\$3,158,400
MIDDLEBURG BOROUGH 568 HILL STREET MIDDLEBURG I: \$1,509,000 IVA: \$0	PA	SNYDER 17842	STP,SS PA0020583	III A: \$0 V: \$0	III B: \$0	25	154	\$1,818,000
BUTLER TOWNSHIP 211 BROAD ST ASHLAND I: \$1,000,000 IVA: \$3,000,000	PA	SCHUYLKILL 17921	STP INT SS	III A: \$0 V: \$0	III B: \$0	24	155	\$5,500,000
OTTO TOWNSHIP SUPERVISORS BOX 284 DUKE CENTER I: \$764,000 IVA: \$5,094,000	PA	MCKEAN 16729	STP,SS,PS PA0221619	III A: \$0 V: \$0	III B: \$0	24	156	\$5,858,000
JONES TWP VILLAGE OF WILCOX PO BOX 25 WILCOX I: \$0 IVA: \$2,656,700	PA	ELK 15870	SS, PS	III A: \$0 V: \$0	III B: \$0	24	157	\$2,656,700
SUMMERVILLE BOROUGH PO BOX 277 SUMMERVILLE I: \$683,000 IVA: \$1,805,000	PA	JEFFERSON 15864	STP SS PS	III A: \$0 V: \$0	III B: \$0	24	158	\$2,488,000
COATESVILLE CITY 114 E LINCOLN HIGHWAY P O 791 COATESVILLE I: \$0 IVA: \$0	PA	CHESTER 19320	SS, INT, PS	III A: \$0 V: \$0	III B: \$0	24	159	\$8,469,300
ALLEGHENY TWP M A COMMUNITY BUILDING LEECHBURG I: \$0	PA	WESTMORE- LAND 15656	SS	III A: \$0	III B: \$0	23	160	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
REDBANK VALLEY MA 212 LAFAYETTE ST NEW BETHLEHEM I: \$1,639,000 IVA: \$4,089,000	PA	CLARION 16242	STPMOD SS I/I PA0024511	III A: \$0 V: \$0	III B: \$0	23	162	\$9,885,000
PARADISE TOWNSHIP 196 BLACKHORSE ROAD PARADISE I: \$3,154,000 IVA: \$3,840,000	PA	LANCASTER 17562	STP INT SS PA0083470	III A: \$0 V: \$0	23 III B: \$0	163		\$8,216,000
PINE GROVE TOWNSHIP PO BOX 125 RUSSELL I: \$0 IVA: \$3,590,000	PA	WARREN 16345	INT, SS	III A: \$0 V: \$0	III B: \$0	23	164	\$3,590,000
GLADE TWP SUPERVISORS 99 COBHAM PARK ROAD WARREN I: \$0 IVA: \$3,355,561	PA	WARREN 16365	SS	III A: \$0 V: \$0	III B: \$0	23	165	\$3,355,561
NESCOPECK BOROUGH 501 RAVE AVE NESCOPECK I: \$1,856,000 IVA: \$1,444,000	PA	LUZERNE 18635	STPMOD SS PA0020745	III A: \$0 V: \$0	III B: \$0	23	166	\$3,300,000
EAST PENN TWP 288 SCHLEICHER AVE LEHIGHTON I: \$0 IVA: \$2,620,000	PA	CARBON 18235	SS INT	III A: \$0 V: \$0	III B: \$0	23	167	\$3,160,000
BELL TOWNSHIP R D 6 BOX 483 PUNXSUTAWNEY I: \$0 IVA: \$2,810,000	PA	JEFFERSON 15767	SS	III A: \$0 V: \$0	III B: \$0	23	168	\$2,810,000
GLEN ROCK BOROUGH S A PO BOX 116 GLEN ROCK I: \$2,100,000	PA	YORK 17327	STPMOD CS PA0020818	III A: \$0	III B: \$0	23	169	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
HORTON TWP BOX 216 BACKPORT I: \$211,900 IVA: \$2,151,325	PA	ELK 15823 \$0	STP SS	III A: \$0 V: \$0	III B: \$0	23	171	\$2,363,225
LAWRENCE TWP M A R D 1 BOX 343A LAWRENCEVILLE I: \$1,026,260 IVA: \$872,827	PA	TIOGA 16929 \$0	STP,SS,INT	III A: \$0 V: \$0	III B: \$0	23	172	\$2,356,000
DOUGLASS TWP R D 2 BOX 503 BOYERTOWN I: \$0 IVA: \$1,228,575	PA	BERKS 0 \$0	SS,INT,PS PA0022543	III A: \$0 V: \$0	III B: \$0	23	173	\$2,228,575
BRUSH VALLEY TWP RD 4 BOX 264 INDIANA I: \$244,000 IVA: \$1,529,565	PA	INDIANA 15701 \$0	STP	III A: \$0 V: \$0	III B: \$0	23	174	\$2,099,275
NORTH BEAVER TWP/MT JACKSON 1460 MT JACKSON ROAD NEW CASTLE I: \$297,000 IVA: \$1,694,300	PA	LAWRENCE 16117 \$0	STP,SS	III A: \$0 V: \$0	III B: \$0	23	175	\$1,991,300
BALD EAGLE TWP AUTHORITY RD 2 BOX 301 MILL HALL I: \$0 IVA: \$858,000	PA	CLINTON 17751 \$0	INT SS PS	III A: \$0 V: \$0	III B: \$0	23	176	\$1,558,000
WASHINGTON TWP R D 1 BOX 73 BECHTELSTVILLE I: \$0 IVA: \$1,327,470	PA	BERKS 0 \$0	SS,PS	III A: \$0 V: \$0	III B: \$0	23	177	\$1,327,470
MEHOOPANY TWP MUN BLDG SCHOOLHOUSE HWY MEHOOPANY I: \$375,000	PA	WYOMING 18629 \$0	STP,SS	III A: \$0	III B: \$0	23	178	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORIES III B:	NEEDS CATEGORIES III B:	NEEDS CATEGORIES III B:	NEEDS CATEGORIES III B:	NEEDS CATEGORIES III B:
FREDERICKSBURG W & S AUTHORITY 150 SOUTH PINE GROVE STREET FREDERICKSBURG I: \$0 IVA: \$300,000	PA	17026	LEBANON	STPMOD SS PA0080705	23	180	\$750,000
SHINGLEHOUSE BOROUGH 40 HONEOYE STREET SHINGLEHOUSE I: \$327,272 IVA: \$0	PA	16748	POTTER	PA5391403 STP MOD	23	181	\$400,010
HEPBURN TWP 1067 PLEASANT VALLEY ROAD COGAN STATION I: \$0 IVA: \$300,000	PA	17728	LYCOMING	SS,INT	23	182	\$400,000
KEATING TWP SUPERVISORS PO BOX 385 AUSTIN I: \$119,845 IVA: \$208,230	PA	16720	POTTER	STP,SS	23	183	\$328,075
SMETHPORT BOROUGH AUTHORITY 1225 WEST MAIN STREET SMETHPORT I: \$172,000 IVA: \$0	PA	16749	MCKEAN	STPMOD PA0021521	23	184	\$172,000
SOUTHWEST DEL CO BALDWIN RN P O BOX 2081 ASTON I: \$2,600,000 IVA: \$0	PA	19014	DELAWARE	STP MOD PA0027383	23	185	\$2,600,000
SOUTHWEST DEL CO CHEST CR PO BOX 2081 ASTON I: \$0 IVA: \$0	PA	19014	DELAWARE	INT	23	186	\$1,071,679
COATESVILLE CITY AUTHORITY 114 E LINCOLN HIGHWAY BOX 791 COATESVILLE I: \$0 IVA: \$0	PA	19320	CHESTER	STP PS INT SS PA0024473	22	187	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
PUNXSUTAWNEY BOROUGH 301 EAST MAHONING STREET PUNXSUTAWNEY I: \$0 IVA: \$0	PA	15767	JEFFERSON	STP MOD,SS REH PA0020346	\$0 \$3,921,000	III B: \$6,295,000	22	189	\$13,622,000
CLARION AREA AUTHORITY 14 N 5TH AVENUE CLARION I: \$621,250 IVA: \$0	PA	16214	CLARION	STPMOD INT PA0029491	\$0 \$0	III B: \$0	22	190	\$781,250
PLUM BOROUGH WOODLAWN 4575 NEW TEXAS ROAD PITTSBURGH I: \$226,000 IVA: \$0	PA	15239	ALLEGHENY	STP MOD PA0035441	\$0 \$0	III B: \$0	22	191	\$226,000
WEST MIFFLIN BOROUGH 4733 GREEN SPRINGS AVENUE WEST MIFFLIN I: \$3,950,000 IVA: \$0	PA	15122	ALLEGHENY	STPMOD PS SS PA0026514	III A: \$8,000,000 V: \$0	III B: \$750,000	22	192	\$17,700,000
ABINGTON TWP PO BOX 462 DALTON I: \$0 IVA: \$0	PA	18414	LACKAWANNA	SS REH	III A: \$70,000 V: \$0	III B: \$0	22	193	\$70,000
SYKESVILLE BOROUGH 21 EAST MAIN STREET SYKESVILLE I: \$1,167,000 IVA: \$3,539,000	PA	15865	JEFFERSON	STP,SS	III A: \$0 V: \$0	III B: \$0	21	194	\$4,706,000
SNYDER TOWNSHIP PO BOX 39 BROCKWAY I: \$0 IVA: \$2,229,710	PA	15829	JEFFERSON	SS	III A: \$0 V: \$0	III B: \$0	21	195	\$2,229,710
CORSICA BOROUGH PO BOX 176 CORSICA I: \$469,873	PA	15829	JEFFERSON	STP,PS,SS	III A: \$0	III B: \$0	21	196	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
SOUTH LONDONDERRY TWP SUPV CENTER & WEST MARKET STREETS CAMPBELLTON I: \$1,000,000 IVA: \$2,600,000	PA	LEBANON 17010 \$0	STPMOD SS PA0080551	III A: \$0	III B: \$0	21	198	\$3,600,000
WEST PENNSBORO TOWNSHIP 2150 NEWVILLE ROAD CARLISLE I: \$1,016,000 IVA: \$1,105,000	PA	CUMBERLAND 17013 \$0	STP SS PA0046221	III A: \$0	III B: \$0	21	199	\$2,121,000
WESLEYVILLE BOROUGH 3421 BUFFALO ROAD ERIE I: \$0 IVA: \$0	PA	ERIE 16510 \$0	SS	III A: \$0	III B: \$528,400	21	200	\$528,400
LAWRENCE PARK TOWNSHIP 4230 IROQUOIS ERIE I: \$0 IVA: \$0	PA	ERIE 16511 \$0	SS	III A: \$0	III B: \$0	21	201	\$492,169
NEW MILFORD BOROUGH PO BOX 630 NEW MILFORD I: \$2,000,000 IVA: \$3,000,000	PA	SUSQUEHANNA 18834 \$0	STP SS PS INT	III A: \$0	III B: \$0	21	202	\$6,600,000
RALPHO TOWNSHIP SUPERVISORS PO BOX 162 ELYSBURG I: \$0 IVA: \$1,293,827	PA	NORTHUM- BERLAND 17824 \$0	SS PA0028738	III A: \$0	III B: \$0	20	203	\$1,293,827
NESHANNNOCK TWP SEWER DEPT 3131 MERCER ROAD NEW CASTLE I: \$0 IVA: \$2,700,000	PA	LAWRENCE 16105 \$0	INT SS PS	III A: \$0	III B: \$0	20	205	\$5,400,000
CONEWANGO TWP 4 FIREMANS STREET WARREN I: \$0	PA	WARREN 16365 \$0	SS	III A: \$0	III B: \$0	20	206	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
OLD LYCOMING TWP 2051 1/2 LYCOMING CREEK RD WILLIAMSPORT I: \$0 IVA: \$545,000	PA	17701	LYCOMING	SS,INT PA0027057	\$0	\$0	20	208	\$545,000
GREATER POTTSVILLE AREA S.A. PO BOX 1163 POTTSVILLE I: \$4,000,000 IVA: \$0	PA	17901	SCHUYLKILL	STPMOD INT SS PA0043885	\$10,000,000	\$0	20	209	\$18,000,000
COOPER TWP SUPERVISORS PO BOX 5 GRASSFLAT I: \$2,349,917 IVA: \$9,124,339	PA	16839	CLEARFIELD	STP,PS,INT,SS	\$0	\$0	20	210	\$12,960,406
CHARLESTON TWP SUPERVISORS R D 2 BOX 226 WELLSBORO I: \$0 IVA: \$6,804,057	PA	16901	TIOGA	INT,SS PA0021687	\$0	\$0	20	211	\$6,919,557
BOGGS TOWNSHIP PO BOX 69 WEST DECATUR I: \$647,929 IVA: \$2,695,586	PA	16878	CLEARFIELD	STP PS INT SS	\$0	\$0	20	212	\$3,691,400
DECATUR TOWNSHIP SUPERVISORS R D 1 BOX 334 PHILIPSBURG I: \$0 IVA: \$2,318,871	PA	16866	CLEARFIELD	SS PA0037966	\$0	\$0	20	213	\$2,711,000
CONYNGHAM BOROUGH AUTH PO BOX 469 CONYNGHAM I: \$0 IVA: \$81,000	PA	18219	LUZERNE	STP MOD,SS REH PA0042048	\$0	\$19,000	20	214	\$1,543,000
DUDLEY BOROUGH OLD RECTORY BOX 207 DUDLEY I: \$284,000	PA	16634	HUNTINGDON	STP,SS PA0084883	\$0	\$0	20	215	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORIES III B: V:	NEEDS CATEGORY III B:			
NORTH EAST BOROUGH 58 EAST MAIN STREET NORTH EAST I: \$1,590,000 IVA: \$0	PA	16428	ERIE	STPMOD PA0023043	20	217	\$1,590,000
CHAMBERSBURG BOROUGH 100 SOUTH SECOND STREET CHAMBERSBURG I: \$0 IVA: \$0	PA	17201	FRANKLIN	STPMOD PA0026051	20	218	\$17,900,000
SHICKSHINNY BOROUGH SAN SA PO BOX 62 SHICKSHINNY I: \$275,029 IVA: \$0	PA	18655	LUZERNE	STP SSREHAB PA0060135	19	219	\$661,333
LAKEVIEW JT MUN AUTH P O BOX 248 SANDY LAKE I: \$2,300,000 IVA: \$0	PA	16145	MERCER	STPMOD PA0022373	19	220	\$3,265,000
EXETER TWP RD 1 BOX 191 PITTSTON I: \$1,092,000 IVA: \$1,128,000	PA	18643	LUZERNE	SS,PS,INT	19	221	\$2,794,000
DUBOIS CITY PO BOX 408 16 W SCRIBNER AVE DUBOIS I: \$799,350 IVA: \$0	PA	15801	CLEARFIELD	STPMOD PA0027375	19	222	\$799,350
CRANBERRY TWP MUN W & S AUTH 2525 ROCHESTER RD SUITE 700 CRANBERRY TWP I: \$0 IVA: \$0	PA	16066	BUTLER	STPMOD PA0024571	19	223	\$13,116,555
SOUTH HANOVER TOWNSHIP 111 W THIRD HERSHEY I: \$0	PA	17033	DAUPHIN	INT,SS	19	224	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
SMITHFIELD TWP SUPERVISORS RD 1 BOX 49 MILAN I: \$647,000 IVA: \$1,018,000	PA	BRADFORD 18831	STP INT PS SS	III A: \$0 V: \$0	III B: \$0	19	226	\$2,035,000
LEMON TWP R D 1 BOX 410 TUNKHANNOCK I: \$800,000 IVA: \$900,000	PA	WYOMING 18657	STP SS INT	III A: \$0 V: \$0	III B: \$0	19	227	\$1,854,000
SADSBURY TWP SEWER AUTHORITY 1077 WHITE OAK ROAD CHRISTIANA I: \$0 IVA: \$1,190,400	PA	LANCASTER 17509	STP PA0083381	III A: \$0 V: \$0	III B: \$0	19	228	\$1,659,400
MCKEAN TWP PO BOX 62 MCKEAN I: \$0 IVA: \$834,100	PA	ERIE 16426	STP,PS, SS	III A: \$0 V: \$0	III B: \$0	19	229	\$1,653,100
VANPORT TWP M A 285 RIVER AVE VANPORT I: \$1,611,750 IVA: \$0	PA	BEAVER 15009	STP PA0023698	III A: \$0 V: \$0	III B: \$0	19	230	\$1,611,750
NICHOLSON BOROUGH NICHOLSON MUN BLDG NICHOLSON I: \$614,000 IVA: \$596,000	PA	WYOMING 18446	STP, INT, SS	III A: \$0 V: \$0	III B: \$0	19	231	\$1,361,000
MCKEAN TWP PO BOX 62 MCKEAN I: \$0 IVA: \$515,220	PA	ERIE 16426	STPMOD, SS PA0046418	III A: \$0 V: \$0	III B: \$0	19	232	\$998,620
DYBERRY TWP BOX 1265 RD 1 HONESDALE I: \$0	PA	WAYNE 18431	SS,INT	III A: \$0	III B: \$0	19	233	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
HANOVER TWP 3630 JACKSONVILLE RD BETHLEHEM I: \$0 IVA: \$804,174	PA	18017	NORTH-AMPTON	SS	III A: \$0 V: \$0	III B: \$0	18	235	\$804,174
GLASSPORT BOROUGH FIFTH MONONGAHELA AVENUES GLASSPORT I: \$769,000 IVA: \$0	PA	15045	ALLEGHENY	STPMOD PA0021113	III A: \$0 V: \$0	III B: \$0	18	236	\$769,000
LYCOMING TWP R D 2 BOX 209 LINDEN I: \$0 IVA: \$300,000	PA	17744	LYCOMING	SS,INT	III A: \$0 V: \$0	III B: \$0	18	237	\$400,000
FREELAND BOROUGH P O BOX 117 FREELAND I: \$2,574,000 IVA: \$0	PA	18224	LUZERNE	STP MOD PA0024716	III A: \$0 V: \$0	III B: \$0	18	238	\$2,996,000
DUQUESNE CITY 12 S SECOND STREET DUQUESNE I: \$900,000 IVA: \$0	PA	15110	ALLEGHENY	STPMOD PA0026981	III A: \$0 V: \$0	III B: \$0	18	239	\$900,000
SUGARLOAF TWP PO BOX 61 SYBERTSVILLE I: \$0 IVA: \$1,206,777	PA	18251	LUZERNE	SS INT PS	III A: \$0 V: \$0	III B: \$0	17	240	\$1,419,777
BUTLER TOWNSHIP SUPERVISORS PO BOX 505 DRUMS I: \$0 IVA: \$322,601	PA	18222	LUZERNE	SS	III A: \$0 V: \$0	III B: \$0	17	241	\$322,601
TUNKHANNOCK TWP R D 2 BOX 233A TUNKHANNOCK I: \$0	PA	18657	WYOMING	SS PS	III A: \$0	III B: \$0	17	242	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES II: IVB:
COALDALE SEWER AUTHORITY 6 COAL STREET LANSFORD I: \$1,000,000 IVA: \$0	PA	18232	SCHUYLKILL	STPMOD SS INT PA0026476	CS421885-01 16	244	\$3,000,000
RUSH TOWNSHIP HOMETOWN AREA PO BOX 1326 TAMAQUA I: \$0 IVA: \$1,300,000	PA	18252	SCHUYLKILL	SS INT SSREHAB	CS421637-01 16	245	\$2,100,000
BEDFORD TOWNSHIP M A R D 2 BEDFORD I: \$0 IVA: \$1,400,000	PA	15522	BEDFORD	SS	CS420959-01 16	246	\$1,400,000
HARVEYS LAKE BOROUGH M A PO BOX 53 HARVEYS LAKE I: \$0 IVA: \$0	PA	18618	LUZERNE	SS REHAB	CS421730-01 16	247	\$3,000,000
PORTER TWP PO BOX 57 LAMAR I: \$300,000 IVA: \$500,000	PA	16848	CLINTON	STP,SS,INT	CS421767-01 16	248	\$1,000,000
SOUTHWEST DELAWARE COUNTY PO BOX 2466 ASTON I: \$0 IVA: \$0	PA	19014	DELAWARE	SS INT PA0027383	CS421897-01 16	249	\$880,900
ALBURTIS BOROUGH 260 FRANKLIN ST ALBURTIS I: \$0 IVA: \$170,000	PA	18011	LEHIGH	SS	CS421722-01 16	250	\$170,000
NEW CASTLE SANITATION AUTHORITY 30 E WASHINGTON ST NEW CASTLE I: \$0	PA	16101	LAWRENCE	STPMOD PA0027511	CS421823-02 15	251	\$0

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	ELIGIBLE PROJECT COST
ST PETERSBURG BOROUGH PO BOX 101 ST PETERSBURG I: \$338,000 IVA: \$1,444,170	PA	16054	CLARION	STP SS	III A: \$0 V: \$0	III B: \$0	15 253	\$1,912,170
RICHFIELD AREA JOINT AUTH R D 1 BOX 18 N/A RICHFIELD I: \$600,000 IVA: \$964,000	PA	17086	JUNIATA & SNYDER	STP, PS, SS	III A: \$0 V: \$0	III B: \$0	15 254	\$1,564,000
WARMINSTER TWP MA 415 GIBSON AVE WARMINSTER I: \$0 IVA: \$0	PA	18974	BUCKS	SS REHAB	III A: \$0 V: \$0	III B: \$410,625	15 255	\$410,625
BETHEL TWP DELAWARE COUNTY SA 1082 BOOTHWYN, PA 19601 BOOTHWYN I: \$1,386,000 IVA: \$0	PA	19601	DELAWARE	SS	III A: \$0 V: \$0	III B: \$0	13 256	\$1,386,000
BROKENSTRAW VALLEY AREA AUTH ROUSE HOME AVE YOUNGSVILLE I: \$2,383,493 IVA: \$7,408,907	PA	16371	WARREN	STP INT SS PS	III A: \$0 V: \$0	III B: \$0	13 257	\$13,782,400
PARKER CITY SEWER AUTH P O BOX 323 PARKER I: \$0 IVA: \$0	PA	16049	ARMSTRONG	STP MOD PA0034851	III A: \$0 V: \$0	III B: \$0	13 258	\$3,153,000
GRATZ BOROUGH P O BOX 305 GRATZ I: \$961,000 IVA: \$1,069,000	PA	17030	DAUPHIN	STP, SS	III A: \$0 V: \$0	III B: \$0	13 259	\$2,673,000
LERAYSVILLE BOROUGH COUNCIL EAST STREET LERAYSVILLE I: \$797,500	PA	18829	BRADFORD	STP, INT, SS	III A: \$0	III B: \$0	13 260	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	ZIP CODE	COUNTY	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
WEISSPORT M A 406 WHITE STREET WEISSPORT I: \$0 IVA: \$0	PA	18235	CARBON	SS REHAB	III A: \$0 V: \$0	III B: \$0	13	262	\$1,100,000
DRAVOSBURG BOROUGH P O BOX 37 DRAVOSBURG I: \$769,000 IVA: \$0	PA	15034	ALLEGHENY	STPMOD PA0028401	III A: \$0 V: \$0	III B: \$0	13	263	\$769,000
LIBERTY TWP SUPERVISORS RD 1 BOX 193 DANVILLE I: \$215,000 IVA: \$433,000	PA	17821	MONTOUR	STP SS	III A: \$0 V: \$0	III B: \$0	13	264	\$648,000
YOUNGWOOD BOROUGH AUTHORITY 17 S 16TH STREET YOUNGWOOD I: \$0 IVA: \$0	PA 15697	\$0	WESTMORE- LAND	SS REHAB	III A: \$0 V: \$0	13 III B: \$299,750	265		\$299,750
WOODWARD TOWNSHIP AUTHORITY 101 RIVERSIDE TERRACE LOCK HAVEN I: \$0 IVA: \$178,000	PA	17745	CLINTON	INT PA0025933	III A: \$0 V: \$0	III B: \$0	13	266	\$178,000
ST THOMAS TOWNSHIP M A 6442 LINCOLN WAY WEST ST THOMAS I: \$0 IVA: \$0	PA	17252	FRANKLIN	SS INT PS PA0081001	III A: \$0 V: \$0	III B: \$0	13	267	\$95,542
GIRARD TWP BOS RR 1 BOX 394 FRENCHVILLE I: \$226,742 IVA: \$526,367	PA	16836	CLEARFIELD	STP INT SS	III A: \$0 V: \$0	III B: \$0	12	268	\$809,795
SUMMIT HILL BOROUGH 114 WEST LUDLOW STREET SUMMIT HILL I: \$0	PA	18250	CARBON	SS REHAB	III A: \$0	III B: \$0	12	269	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING PROJECT RANKING	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST
LACKAWANNA RIVER BASIN S A PO BOX 9068 DICKSON CITY I: \$2,700,000 IVA: \$0	PA	LACKAWANNA 18519	STPMOD SSREH PA0027065	CS421790-01 12 271	II: \$0 IVB: \$0	III: \$200,000 V: \$0	IIIB: \$300,000	\$3,200,000
FORTY-FORT BOROUGH 1271 WYOMING AVENUE FORTY-FORT I: \$0 IVA: \$0	PA	LUZERNE 18704	SS PA0026107	CS421875-01 12 272	II: \$0 IVB: \$0	III: \$0 V: \$0	IIIB: \$125,150	\$125,150
WASHINGTON TWP SUPERVISORS 1390 FAYETTE AVE BELLE VERNON I: \$3,154,000 IVA: \$7,605,000	PA	FAYETTE 15012	STP MOD,INT,SS PA0020702	CS421502-01 11 273	II: \$0 IVB: \$675,000	III: \$0 V: \$0	IIIB: \$0	\$11,434,000
LEHIGH TWP 1069 MUNICIPAL ROAD WALNUTPORT I: \$317,000 IVA: \$2,918,020	PA	NORTH-AMPTON 18088	STP,SS	CS421685-01 10 274	II: \$0 IVB: \$0	III: \$0 V: \$0	IIIB: \$0	\$3,235,020
HARMONY TOWNSHIP 2501 WOODLAND ROAD AMBRIDGE I: \$0 IVA: \$1,800,000	PA	BEAVER 15003	SS	CS421861-01 10 275	II: \$0 IVB: \$0	III: \$0 V: \$0	IIIB: \$0	\$1,800,000
BEECH CREEK BOROUGH PO BOX 216 BEECH CREEK I: \$1,004,000 IVA: \$665,100	PA	CLINTON 16822	STPMOD SS PA0024538	CS421937-01 10 276	II: \$0 IVB: \$210,000	III: \$0 V: \$0	IIIB: \$0	\$1,879,100
UPPER STONEYCREEK JOINT M A P.O. BOX 24 HOOVERSVILLE I: \$1,400,000 IVA: \$0	PA	SOMERSET 15936	STP MOD PA0042561	CS421863-01 10 277	II: \$0 IVB: \$0	III: \$0 V: \$0	IIIB: \$0	\$1,400,000
HAMILTON TWP SUPERVISORS PO BOX 212 MORRIS RUN I: \$0	PA	TIOGA 16939	SS	CS421804-01 10 278	II: \$0	III: \$0	IIIB: \$0	

APPLICANT NAME ADDRESS CITY NEEDS CATEGORIES I: IVA:	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY III B:	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING	ELIGIBLE PROJECT COST
LEECHBURG BOROUGH 163 MARKET STREET LEECHBURG I: \$0 IVA: \$0	PA	ARMSTRONG 15606 \$0	SS REHAB	III A: \$0 V: \$0	III B: \$0	10	280	\$79,000
HARRISBURG AUTHORITY ONE KEYSTONE PLAZA SUITE 104 HARRISBURG I: \$7,501,500 IVA: \$0	PA	DAUPHIN 17101 \$0	INCINERATOR	III A: \$0 V: \$0	III B: \$0	10	281	\$7,501,500
MANSFIELD BOROUGH COUNCIL 19 EAST WELLSBORO ST MANSFIELD I: \$5,265,488 IVA: \$5,925,475	PA	TIOGA 16933	STPMOD,INT,SS PA0021814	III A: \$0 V: \$0	III B: \$0	9	282	\$12,174,743
SOUTHERN DELAWARE CO AUTHORITY 101 BEECH ST BOOTHWYN I: \$258,200 IVA: \$0	PA	CHESTER 19061 \$0	STP ADV	III A: \$0 V: \$0	III B: \$0	9	283	\$258,200
LANSFORD BOROUGH PO BOX 126 LANSFORD I: \$0 IVA: \$0	PA	CARBON 18232 \$0	SS REHAB SS	III A: \$0 V: \$0	III B: \$4,300,000	8	284	\$4,300,000
HARRISBURG AUTHORITY ONE KEYSTONE PLAZA SUITE 104 HARRISBURG I: \$0 IVA: \$0	PA	DAUPHIN 17101 \$0	SS CSO	III A: \$0 V: \$0	III B: \$1,893,000	8	285	\$1,893,000
EAST HUNTINGDON TOWNSHIP BOX 9 ALVERTON I: \$890,000 IVA: \$2,490,000	PA	WESTMORE- LAND 15612 \$0	STP INT SS PS	III A: \$0 V: \$0	III B: \$0	7	286	\$3,630,000
EAST DONEGAL S A 190 ROCK POINT ROAD MARIETTA I: \$0	PA	LANCASTER 17547 \$0	SS	III A: \$0	III B: \$0	7	287	

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

C-967677. Bureau of Transportation and Safety v. CSX Transportation, Incorporated. A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complaint alleges various violations against CSX Transportation, Incorporated.

A public hearing in this investigation will be held Tuesday, November 26, 1996, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1858. Filed for public inspection November 1, 1996, 9:00 a.m.]

Railroad With Hearing

A-0011148. Charlestown Township. An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The application requests the approval of the construction of a crossing, at-grade, where proposed Warner Lane, from U. S. Route 29 to Phoenixville Pike, will cross the tracks of Consolidated Rail Corporation in the Township of Charlestown, Chester County.

A public hearing upon this proceeding will be held Wednesday, December 11, 1996, at 10 a.m., in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1859. Filed for public inspection November 1, 1996, 9:00 a.m.]

Railroad With Hearing

A-0011494. Consolidated Rail Corporation. An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The application requests the alteration of a crossing and exemption from statutory vertical and horizontal clearance requirements in connection with modification of the tracks to improve vertical clearance for double-stack container traffic under Overhead Bridge No. 106.04, Maclay Street, S.R. 0022, (AAR 518 088 K) on the Pittsburgh Line in the City of Harrisburg, Dauphin County, PA.

A public hearing upon this proceeding will be held Monday, January 13, 1997, at 10 a.m. in an available Hearing Room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when persons may appear and be heard.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1860. Filed for public inspection November 1, 1996, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before November 25, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval *amendment* of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.

A-0066766, Folder 2, Am-B. Fritz Moving Company, Inc. (620 North Eighth Street, Reading, Berks County, PA 19601), a corporation of the Commonwealth of Pennsylvania—personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling between points in the county of Berks and from points in said county to points in Pennsylvania, and vice versa, provided that the transportation is at the request of the householder and as an incident of a move by the householder from one domicile to another: *so as to permit* (1) household goods in use between points in the city of Lancaster, Lancaster County and within 18 miles by the usually traveled highways of the limits of said city, and from points in said city and territory to other points in Pennsylvania and vice versa; and (2) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights authorized under the certificate at A-00111377 to Lancaster Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* Richard A. Franklin, 1700 Sansom Street, 12th Floor, Philadelphia, PA 19103.

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-00113458. Three Rivers Limousine Service, Inc. (1830 Painters Run Road, Pittsburgh, Allegheny County, PA 15241), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service from points in Allegheny County to other points in Pennsylvania and return; subject to the following condition: that no right,

power or privilege is granted to provide service from points in the cities of McKeesport, Duquesne, and Clairton, and the boroughs of Glassport, Liberty, White Oak, Dravosburg, Port Vue, Versailles, Lincoln, Elizabeth, West Elizabeth, Trafford, Braddock, North Braddock, Jefferson and West Mifflin, and the townships of Elizabeth and North Versailles. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00113101, Folder 2. Airport Limousine and Taxi Service, Inc. (Wilkes-Barre/Scranton International Airport, P. O. Box 338, Wyoming, Luzerne County, PA 18614), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service between points in the counties of Lackawanna, Luzerne, Monroe, Wayne, Pike and Carbon, and from points in said counties to points in Pennsylvania and return. *Attorney:* Stephen A. Menn, Suite 200, Garden Village Center, 16 Luzerne Avenue, West Pittston, PA 18643-2817.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00109436, Folder 1, Am-A. David E. Waligurski, Jr., t/d/b/a Lifestyle Limousine, Ltd. (2829 Sturbridge Court, Sinking Spring, Berks County, PA 19608)—persons in limousine service between points in the city of Reading, Berks County, and from points in Berks County within an airline distance of 5 statute miles of said city, and from said area to points in Pennsylvania and return, so as to permit the transportation of persons in limousine service between points in Berks County and the boroughs of Adamstown, Akron, Denver, Ephrata, Lititz, New Holland, and Terre Hill, and the townships of Brecknock, Caernarvon, Earl, East Earl, East Cocalico, Ephrata, Manheim, Warwick, West Cocalico and West Earl, Lancaster County; the city of Lebanon, the boroughs of Cleona, Myerstown, and West Richland, and the townships of Bethel, Heidelberg, Jackson, Mill Creek, North Cornwall, North Lebanon, South Lebanon and West Lebanon, Lebanon County; the cities of Allentown and Bethlehem, the boroughs of Alburdis, Breingsville, Emmaus, and Macungie, and the townships of Hanover, Lower Macungie, Salisbury, South Whitehall and Upper Macungie, Lehigh County; the boroughs of Pottstown and Royersford, and the townships of Douglass, Limerick, Lower Pottsgrove, Lower Providence, Upper Hanover, Upper Pottsgrove, Upper Providence and West Pottsgrove, Montgomery County; and the city of Pottsville, the boroughs of Auburn, Cressona, Deer Lake, Landingville, Mechanicsville, Mount Carbon, Orwigsburg, Palo Alto, Pine Grove, Port Carbon, Port Clinton, and Schuylkill Haven, and the townships of East Norwegian, North

Manheim, Norwegian, Pine Grove, South Manheim, Washington, Wayne and West Brinswick, Schuylkill County, and from said area to points in Pennsylvania and return.

Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before November 18, 1996.

- A-00113447 Edward George Dean
R. D. 1, Box 617, Homer City, PA 15748
- A-00113448 Carl E. Killian
410 Truce Road, New Providence, PA
17566
- A-00113449 Louis Gelormini, t/d/b/a Lou Gelormini's
Delivery Service
1301 Butter Lane, Reading, PA 19606
- A-00113425 Russell Alvey
2252 South Queen Street, York, PA
17402
- A-00113472 Meycro Properties, Inc.
R. R. 1, Box 288, Lake Ariel, PA 18436
- A-00113463 Recycling Technologies, Inc.
60 Filbert Street, Hanover, PA 17331
- A-00113464 William F. Roth, Jr.
594 Benhoff Hill Road, Johnstown, PA
15906
- A-00113465 Rich-Hil Transportation, Inc.
No. 356 Highway 31, Flemington, NJ
08822
- A-00113466 Elizabeth Cash and Carry Lumber and
Supply Co.
101 Atlantic Avenue, Elizabeth, PA
15037
- A-00113459 Homer C. Confer, Sr.
70 Rockville Road, Belleville, PA 17094-
8922
- A-00113467 David L. Kauffman
137 East Savory Street, Pottsville, PA
17901
- A-00113468 Northeastern Hydro-Seeding Co., Inc., t/d/
b/a Northeastern Hydro-Seeding Co.
R. D. 4, Box 389, Tamaqua, PA 18252
- A-00113435 T & T Express, Inc.
P. O. Box 1065, Youngstown, OH 44501

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1861. Filed for public inspection November 1, 1996, 9:00 a.m.]

**Water Service
Without Hearing**

A-212370F0028. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company (PSW) for approval of the acquisition, by purchase, of the water supply system assets of the Bristol Borough Water and Sewer Authority.

This application may be considered without a hearing. Answers or intervention can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before November 18, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for Applicant: Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1862. Filed for public inspection November 1, 1996, 9:00 a.m.]

**Water Service
Without Hearing**

A-212370F0029. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company (PSW) for approval of the right of Philadelphia Suburban Water Company to begin to offer, render, furnish or supply water service to the public in Bristol Borough and portions of Bristol Township and portions of Bensalem Township, Bucks County, PA.

This application may be considered without a hearing. Answers or intervention can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before November 18, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for Applicant: Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1863. Filed for public inspection November 1, 1996, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, November 14, 1996, for Project #96-296-002 (Miscellaneous Concrete Requirements). The Bid Document can be obtained from the Procurement Administrator, Philadelphia Regional Port Authority (PRPA), 210 W. Washington Square, 8th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available November 5, 1996. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 96-1864. Filed for public inspection November 1, 1996, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals to Replace Transformer, 2nd Floor at Pier 84 South until 2 p.m. on Thursday, November 14, 1996. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available November 4, 1996. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held November 7, 1996, 10 a.m. at Delaware (Columbus) Avenue and Porter Street.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 96-1865. Filed for public inspection November 1, 1996, 9:00 a.m.]

FEDERAL SURPLUS PROPERTY PROGRAM

DEPARTMENT OF GENERAL SERVICES

INVENTORY AND INFORMATION

The Department of General Services, Bureau of Supplies and Surplus Operations oversees the Federal Surplus Property Program within the Commonwealth of Pennsylvania in accordance with the Federal Property and Administrative Services Act of June 30, 1949, 63 Stat. 377 as amended. Personal property is made available on an equitable basis to our State Agency for allocation to eligible organizations at minimal service charges. Available property can include office equipment and furniture, clothing, hand tools, hardware, light machinery, heavy equipment and much more. Some of the equipment is new, while some may require repair, but all of the property is useful, and is available to your organization at a fraction of the cost of buying retail. Most nonprofit, tax-exempt organizations, such as municipalities, schools, emergency management agencies, day care centers and other public service organizations are eligible and have saved thousands of dollars annually through the use of federal surplus property.

All federal surplus property is donated on a first-come, first-served basis to eligible nonprofit organizations within the Commonwealth. A nominal cost is incurred by the participants in the form of a service charge to cover the state's cost of administering the program. Questions about the availability of items or about your organization's ability to participate in the Federal Surplus Property Program should be directed to: The Department of General Services, Bureau of Supplies and Surplus Operations, Federal Surplus Property Program, P. O. Box 1365, 2221 Forster Street, Harrisburg, PA 17105, or call TOLL-FREE 1-800-235-1555.

VEHICLES AND HEAVY EQUIPMENT

Engine. Mfg. Cummins, diesel, 6 cylinder, Model NHC-250, either new or rebuilt. Only 1 available, excellent condition, stock number 2815-96-0192-005, \$1,500.00 ea.

Crane. Mfg. Baldwin-Lima-Hamilton Corporation, 5 ton, 4 wheel, 6 cylinder, gas engine. Only 1 available, good condition, stock number 3810-96-0499-002, \$2,625.00 ea.

Truck. Mfg. General Motors, 1984 and 1985, Blazer, 4x4, 6.2 litre, v-8, diesel, automatic. Several available, good condition, \$2,250.00—\$3,000.00 ea.

BUILDING MATERIALS

Pipe. Mfg. unknown, pvc, 3", schedule 80, 20' long. Plenty available, NEW, stock number 4710-96-0229-006, \$7.50 ea.

Sheet. Mfg. unknown, steel 4' x 8' x 3/8". Limited quantities available, NEW, stock number 9515-96-0070-001, \$12.50 ea.

Post. Mfg. unknown, fence, steel, 8'. Plenty available, good condition, stock number 5660-96-0035-003, \$2.00 ea.

BUSINESS AND RESIDENTIAL FURNISHINGS

Table. Mfg. Rishel, Division of Hon Industries, printer, wood, 36" x 30" x 30". Limited quantities available, NEW, stock number 7110-96-0351-093, \$37.50 ea.

Cabinet. Mfg. varies, lateral file, metal, 2, 4 and 5 drawer. Limited quantities available, good condition, \$15.00—\$75.00 ea.

Desk. Mfg. varies, wood and metal, double pedestal. Plenty available, good condition, \$5.00—\$30.00 ea.

Cabinet. Mfg. varies, filing, 4 and 5 drawer, legal and letter. Plenty available, good condition, \$40.00—\$60.00 ea.

CLOTHING, TEXTILES AND PERSONAL ITEMS

Parka. Mfg. Wynn Ind., cold weather, olive drab, sizes vary. Plenty available, very good condition, stock number 8415-95-0711-003, \$3.75 ea.

Mitten. Mfg. Illinois Glove Co., shell, cold weather, with trigger finger, large. Plenty available, NEW, stock number 8415-95-0554-003, \$1.50 ea.

Trousers. Mfg. Menlo Ind., cold weather, woodland camouflage, 50% nylon/50% cotton, waist size 31—35 inches. Plenty available, NEW, stock number 8415-93-0528-024, \$5.00 ea.

Sun Glasses. Mfg. Rochester Optical Co., Inc., spectacle type, neutral gray, plastic lens, black plastic frame. Plenty available, NEW, stock number 8465-96-0222-009, \$7.75 ea.

ELECTRICAL AND ELECTRONICS

Box. Mfg. Steel City, electrical outlet, steel, 4" x 4" x 2-1/4". Plenty available, NEW, stock number 5975-95-0527-005, \$.25 ea.

Inverter. Mfg. Vanner, Model SP00112, 20—30 vdc input, 120 vac output. Limited quantities available, NEW, stock number 6130-95-0648-004, \$12.50 ea.

Wire. Mfg. Cerrowire, 14 gauge, solid, 500'/roll. Limited quantities available, NEW, stock number 6145-96-0111-006, \$2.50 ea.

Heat Gun. Mfg. Master Appliance Corporation, heat gun, Model HG-301A. Several available, good condition, stock number 3439-96-0737-013, \$35.00 ea.

OFFICE MACHINES AND SUPPLIES

Typewriter. Mfg. IBM, Selectric II and III. Plenty available, conditions vary, \$18.75—\$125.00 ea.

Envelopes. Mfg. Union Envelope Co., plain, 12" x 16", 1/2 mx/carton. Plenty available, good condition, stock number 7530-96-0198-001, \$3.00 ea.

Computer. Mfg. varies, IBM compatible, 286, 5-1/4" and 3-1/2" disk drives, hard drive, complete with keyboard, monitor and printer. Limited quantities available, good condition, \$100.00 ea.

OILS, PAINTS AND CHEMICALS

Paint. Mfg. varies, spray, 10-12 oz. can, color varies. Plenty available, NEW, stock number 8010-00-0007-001, \$.75 ea.

Oil. Mfg. AM Writing Ink Co., penetrating, type II, for loosening frozen metallic parts, 15 oz/can. Limited quantities available, NEW, stock number 9150-96-0520-006, \$1.50 ea.

Coating. Mfg. Hentzen Coatings, Inc., polyurethane, single component, chemical agent resistant, black, 5 gallon/can. Plenty available, NEW, stock number 8010-96-0078-002, \$10.00 ea.

Oil. Mfg. Ashland Industrial Products, preservative, tectyl 930, used as a factory fill or break in oil for all new or rebuilt engines, 55 gallons/drum. Plenty available, NEW, stock number 9150-95-0538-001, \$10.00 ea.

Oil. Mfg. South Coast Terminals, Inc., lubricating oil, engine, grade 30, 5 gallons/can, sold by the can. Plenty available, NEW, stock number 9150-96-0641-008, \$15.00 ea.

Fluid. Mfg. Royal Lubricants Company, Inc., hydraulic fluid, 1 gallon/can, sold by the can. Plenty available, NEW, stock number 9150-96-0706-008, \$4.00 ea.

PLUMBING/HEATING/AIR CONDITIONING EQUIPMENT

Tee. Mfg. unknown, pvc, 3", schedule 40. Limited quantities available, NEW, stock number 4730-95-0498-004, \$.50 ea.

Bowl. Mfg. American Standard, toilet, Cadet RF 3.5, white, uses 4029/4078 tank. Limited quantities available, stock number 4510-96-0010-004, \$7.50 ea.

Heater. Mfg. Valad Electrical Co., space, 240 volt, Model, FW 625-1. Only 1 available, good condition, stock number 4520-94-0258-008, \$30.00 ea.

Bowl. Mfg. unknown, lavatory bowl. Several available, good condition, stock number 4510-96-0515-004, \$20.00 ea.

SHOP AND TRADE EQUIPMENT

Lathe. Mfg. Monarch Machine Co., Model 12 CK, 14.5" actual swing, 30" between centers. Only 1 available, good condition stock number 3416-96-0287-002, \$2,500.00 ea.

Machine. Mfg. Racine Tool and Machine Co., cut off, hydraulic, Model unknown, 220/440 volt, 3 phase. Only 1 available, good condition, stock number 3419-96-0235-001, \$750.00 ea.

Spreader. Mfg. Bishman, Model 427, tire spreader. Only 2 available, NEW, stock number 4910-96-0605-005, \$125.00 ea.

MISCELLANEOUS

Sundries. Mfg. Pride Products, Inc., ration supplement, personal care items including shampoo, toothpaste, soap, razors, deodorant, powder, lotion, sunblock, etc., supplies 100 persons for 1 day. Plenty available, NEW, \$18.75 ea.

Omelet. Mfg. Vanee Foods, Inc., with sausage and potatoes or bacon and cheese, thermostabilized, 4 102 ounce trays/box, 18 portions/tray, 30-40 minute heating time. Plenty available, NEW, \$7.50 ea.

Battery. Mfg. Eveready, Energizer, size D, sold by the dozen. Plenty available, NEW, \$3.00 ea.

Agitator. Mfg. Dynamic Tech Corp., paint, DM 14601-A, 115 volt, for pints, quarts and gallons. Plenty available, NEW, \$49.95 ea.

Cabinet. Mfg. Nelson, Model BD-4, ice cream cabinet. Only 2 available, NEW, stock number 4110-96-0728-001, \$175.00 ea.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1866. Filed for public inspection November 1, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

NOTICE TO VENDORS

The Department of General Services has initiated a work group to review the Commonwealth Request for Proposals (RFP) method of acquisition. The group will focus on ways to make the RFP process more agency-friendly, encourage vendor participation and produce quality results for the Commonwealth. Those interested in providing input to the group via survey or interview may contact: DGS RFP Work Group, Cheryl Kleeman, Room 414, North Office Building, Harrisburg, PA 17125, Telephone (717) 787-4873, FAX (717) 783-6241.

Commodities

1356236 Agricultural equipment, machinery and supplies—27,700 each; Wildlife food and cover seed mixture (approximately 13,850, 10 lb. bags annually.)—760 each; Wildlife food plot seed mixture (approximately 380, 50 lb. bags annually.)

Department: Game Commission
Location: Harrisburg, Dauphin County, PA 17110-9797
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1393206 Aircraft and airframe structural components—1 each; engine, aircraft, new or rebuilt, to include all manufacturers warranties.

Department: State Police
Location: New Cumberland, Cumberland County, PA 17070
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1329156 Building and construction materials—1 lot: building, pole barn, metal (materials only) size: 40' x 72'10" x 12' wall height.

Department: Corrections
Location: Bellefonte, Centre County, PA 16823
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1310216 Data processing and computer equipment and supplies—200 each; toner for sharp laser fax machine FO-48ND, 100 each; conductor set for Sharp laser fax machine FO-48DR.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA 17110-9299
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1350386 Engineering and surveying supplies and drafting—1 each; Ashtech reliance decimeter receiver system.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-0451
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8101610 Engineering and surveying supplies and drafting—17 each; electronic level with digital electronic image processing and accessories and auxiliary equipment.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1351216 Food preparation and serving equipment—various amounts; vending snack machines, food and/or beverages.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA 17105-2675
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1330216 Food preparation and serving equipment—various amounts; vending snack machines, food and/or beverages.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA 17105-2675
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1332216 Food preparation and serving equipment—various amounts; vending snack machines, food and/or beverages.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA 17105-2675
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1341326 Paper and printing—25M; OpSCAN rating form. 8 1/2" x 11".

Department: Civil Service Commission
Location: Harrisburg, Dauphin County, PA 17108-0569
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7313640 Safety equipment and supplies—1 lot; safe, money, external door equipped with Mosler's Eck 302 combination lock, inner doors constructed from 1/4" hot rolled steel, color: parchment, Model TL-15 or equal, mfr: Mosler, Inc., Bristol, PA.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA 17124-0001
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1371216 Safety equipment and supplies—1 lot; replacement boiler parts.

Department: Norristown Hospital
Location: Norristown Hospital, Norristown, Montgomery County, PA 19401-5399
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1369156 Safety equipment and supplies—4 each; USA Coil and Air's sentry guard coils or approved equal.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17125
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1382116 Safety equipment and supplies—various amounts; Stoker repair boiler parts—as manufactured by Detroit Stoker.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1353206 Vehicular equipment, components and automotive supplies—282 units; stop stick units, hollow spike tire deflation devices.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Computer Related Services—08

SP 270794 Network software to automate the Department of General Services surplus vehicle auction.

Department: General Services
Location: General Services, Vehicle Management, 2221 Forster Street, Harrisburg, PA 17125
Duration: 12/1/96—6/30/97
Contact: Steve Anderson, (717) 783-4256

SP 270793 Network resident software for vehicle fleet management.

Department: General Services
Location: General Services, Vehicle Management, 2221 Forster Street, Harrisburg, PA 17125
Duration: 12/1/96—6/30/97
Contact: Steve Anderson, (717) 783-4256

08430AG2028 To provide supplementary construction inspection staff for construction inspection and documentation services for the following projects in Delaware County; S. R. 0291, Sections A10—Realignment of the Industrial Highway from Franklin Street to Ridley Creek in the City of Chester; S. R. 1008, Section 13B and M10—Roadway restoration of State Road from the Media Bypass to Crum Creek and bridge replacement on State Road over Crum Creek.

Department: Transportation
Location: Engineering District 6-0
Duration: 20 calendar months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2029 To provide construction inspection and documentation services for S. R. 0051—A14, Liberty South Interchange, Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: Twenty-nine (29) months
Contact: Consultant Agreement Division, (717) 783-9309

2-6-00003 Installation of approximately 20,000 L. F. of 28 salvage guiderail at various locations throughout Potter County. Materials shall be supplied by both the Pennsylvania Department of Transportation and by the contractor. The Department shall be responsible for removal of the cable type guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A field review is mandatory prior to the bid opening. There will be only one day scheduled which will include review of the guiderail locations and the guiderail material at the stockpile locations.

Department: Transportation
Location: District 0260, various locations within Potter County, PA
Duration: 01-01-97 through 12-31-97
Contact: Jerome Latosky, (814) 765-0496

Construction and Construction Maintenance—09

080928 Allegheny County, SR 376 (A08).

Department: Transportation
Location: District 11-0
Duration: FY 1996/97
Contact: V. C. Shah, (717) 787-5914

Engineering Services and Consultation—14

08430AG2027 To perform final design for the following projects; S. R. 0413, Section S46—New Rodgers Road, Bristol and Middletown Townships, Bucks County; S. R. 0030, Section C14—Lancaster Pike, Lower Merion Township, Montgomery County; S. R. 1001, Section C26—Rising Sun Avenue—Philadelphia County; S. R. 2009, Section C12—Harbison Avenue and Aramingo Avenue—City of Philadelphia.

Department: Transportation
Location: Engineering District 6-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

Project No. 333 Conduct selective clearing on approximately 800 acres of mixed Sapung/pole/small saw timber forests. Purpose of clearing is to open ground space for military track vehicle maneuver.

Department: Military and Veterans Affairs
Location: Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: 1 November 1996—30 September 1998
Contact: Emma Schroff, (717) 861-8518

Food—19

5903 Bread, rolls, and related products, fresh for January through June 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January through June 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5904 Pies and cakes for January through June 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January through June 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5915 Miscellaneous foods for January, February, and March 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January, February and March 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5916 Poultry and poultry products for January, February, and March 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January, February and March 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5917 Meat and meat products for January, February, and March 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January, February and March 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5338 Pastries—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5339 Pies—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5340 Bread and rolls—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jacqueline Newson, Purchasing Agent, (610) 526-2624

5341 Drinks and juices—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5342 Snack products—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5343 Ice cream—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5344 Frozen juice 4 oz.—for a six (6) month period beginning January 1, 1997 through June 30, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—June 30, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5345 Frozen foods—for a three (3) month period beginning January 1, 1997 through March 31, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—March 31, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5346 Portion controlled meats—for a three (3) month period beginning January 1, 1997 through March 31, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—March 31, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5347 Miscellaneous frozen foods—for a three (3) month period beginning January 1, 1997 through March 31, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—March 31, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5349 Poultry—for a three (3) month period beginning January 1, 1997 through March 31, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—March 31, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5350 Breakfast and baked items—for a three (3) month period beginning January 1, 1997 through March 31, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—March 31, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5351 Fresh meats—for a three (3) month period beginning January 1, 1997 through March 31, 1997. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: January 1, 1997—March 31, 1997
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5900 Coffee, frozen—January through December 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January through December 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5901 Dairy products and drinks for January through June 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January through June 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5902 Juices, frozen and juice drinks January through June 1997. Specifications and delivery dates available upon request from agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: January through June 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

Hazardous Material Services—21

060189 Qualified waste management firm to provide the service of disposing of hazardous and residual wastes that are located at County waste storage sites and within roadway rights-of-way within PennDOT Engineering District 6-0. Services include sampling and testing for identification, providing overpacks when necessary, loading, transporting and disposal. Submit bid on the Commonwealth's Service Purchase Proposal/Contract form with required attachments obtained from District 6-0 office.

Department: Transportation
Location: Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties
Duration: 3-1-97 to 2-28-98 with four possible renewals
Contact: Charles Stone, (610) 964-6520

Heating, Ventilation, Air Conditioning—22

260082 Boiler maintenance services—maintain three (3) boilers including all attached gauges and equipment classified as part of the combustion control system at Mayview State Hospital's power plant.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 1/1/97—12/31/01
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

Janitorial Services—23

SP319251 Provide janitorial services at the Lycoming County Assistance Office. This office space is approximately 24,000 square feet. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: 400 Little League Boulevard, P. O. Box 127, Williamsport, PA 17703-0127
Duration: 07-01-97—06-30-00
Contact: Lori Vessella, (717) 783-9281

Medical Services—29

0882-123 Emergency Oxygen Units. Contractor shall provide leasing of twelve portable oxygen inhalators, resuscitation masks, and trauma kits to the South Mountain Restoration Center. All parts and necessary repairs are to be covered under this contract. Service must be available on a 24-hour basis, and refills must be provided within 24 hours at the Center. Contractor shall provide standard service inspections every six months at the Center at no additional charge. Additional specifications may be obtained by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: January 1, 1997 through December 31, 2001
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

Dig-96-12 Vendor to provide sexual offender treatment to the State Correctional Institution Graterford to include treatment of approximately 60—100 sex offenders in individual therapy, group therapy, assertiveness training, anger management, awareness of impact on victims, sex education, control of impulses, etc.

Department: Corrections
Location: State Correctional Institution Graterford, Box 246, off Route 29, Graterford, PA 19426
Duration: 3 years
Contact: Kelly Richardson, (610) 489-4151

95-07-29 RFP Provide AIDS education and referral services for migrant and seasonal farmworkers in six selected counties. Such an effort will entail conducting a needs assessment to determine the six counties most in need and providing AIDS education programs to the target population of the six selected counties. Such education services shall be delivered by bi-lingual (English and Spanish) and bi-cultural (African American and Hispanic) personnel as appropriate. Ten (10) copies of the proposal must be submitted to the PA Department of Health, Thelma Stonerod, Director, Division of Contracts and Procurement, Room 824, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108 by the time and date specified in the cover letter to the RFP. Proposals received after this time will not be considered. A pre-proposal conference will be held at the time and date also specified in the cover letter to the RFP.

Department: Health
Location: Bureau of HIV/AIDS and selected counties in PA
Duration: July 1, 1997—June 30, 1999
Contact: Darlene Moore, (717) 783-0572

LH-SER032 Contractor to provide podiatry services for State Correctional Institution at Laurel Highlands. Service to be provided at the institution at an hourly rate. Specialized services requiring off-site visit at a usual customary reimbursement (UCR).

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: 12/01/96 to 9/30/97
Contact: Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

LH-SER033 Contractor to provide neurology services for State Correctional Institution at Laurel Highlands. Service to be provided at the institution at an hourly rate. Specialized services requiring off-site visit at a usual customary reimbursement (UCR).

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: 12/01/96 to 9/30/97
Contact: Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

Property Maintenance—33

SPC-297173 Contractor to accomplish experimental tree planting projects on eight (8) acres of newly backfilled surface mined land in Ogle Township, Somerset County. Contract will include hand planting approximately 7500 tree seedlings at precise spacing.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Ogle Township, Somerset County, PA
Duration: 04/01/97 to 06/30/97
Contact: Tina M. Alban, (814) 364-5150

SPC 297174 Contractor to accomplish experimental and remedial tree planting projects on fifteen (15) acres of strip mined land in Quemahoning Township, Somerset County. Contract will include hand planting approximately 15,000 tree seedlings at precise spacing.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Quemahoning Township, Somerset County, PA
Duration: 04/01/97 to 06/30/97
Contact: Tina M. Alban, (814) 364-5150

MR 0800-63 Roadside Mowing Group 8-97-23 M—mowing along Interstate 81 from the Pennsylvania-Maryland State Line to the Susquehanna River. Specifications for this work available on request.

Department: Transportation
Location: I-81 in Cumberland and Franklin Counties, PA
Duration: April 1, 1997 to March 31, 1998
Contact: Ed Myers, (717) 787-7600

ON-728.1 Parking Lot Installation Stright Hall. Work included under this project consists of parking lot installation, Stright Hall consisting of removing existing paving, concrete, gravel, storm inlets, etc., to furnish and install new paving, concrete, storm inlets, piping, etc. Notice to contractors may be requested from IUP. Phone: (412) 357-2289. Fax: (412) 357-6480.

Department: State System of Higher Education
Location: Indiana University of PA, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

00681 001 95 AS-1 Rebid All work to include repairs to the FA 107th memorial, located at the Military Museum. A mandatory site visit is required for all firms interested in submitting bids for the project. Please contact the site administrator, Bill Leech (814) 466-6263 to set up a required site visit between November 4-November 15, 1996, and sign in. All interested bidders should submit a request for the bid package in writing or FAX (717) 783-1073 or phone (717) 772-2401 to: PA Historical and Museum Commission, Division of Architecture and Conservation, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling. Bids are due on Friday, November 22, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Pennsylvania Military Museum, P. O. Box 160A, Boalsburg, PA 16827
Duration: February 1, 1997 to August 30, 1997
Contact: Judi Yingling or Gina M. Douty, (717) 772-2401

Real Estate Services—35

946A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Board of Probation and Parole with 2,056 useable square feet of new or existing office space, with minimum parking for six (6) vehicles in Altoona, Blair County, PA within the following boundaries: North: Willow Avenue; South: Chestnut Avenue; East: Fourth Street; West: Seventh Street. Proposals due: November 25, 1996. Solicitation No.: 92402.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Edward P. Meyer, (717) 787-4394

947A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 4,977 useable square feet of new or existing office space in Meadville, Crawford County, PA, with minimum parking for twenty-five (25) vehicles, within a five (5) mile radius of the Crawford County Courthouse. Proposals due: February 10, 1997. Solicitation No.: 92403.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Cynthia T. Lentz, (717) 787-4394

948A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 3,794 useable square feet of new or existing office/clinic space in Centre County, PA, with minimum parking for twenty (20) vehicles, within the Borough of State College, PA. In areas where street or public parking is not available, an additional ten (10) parking spaces are required. Proposals due: January 6, 1997. Solicitation No.: 92404.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

Sanitation—36

060190 Qualified waste disposal firm to provide for periodically (approximately 6 times per year) pumping out and disposing of waste water from two 2,000 gallon underground waste water holding tanks. Work includes sampling and testing of the water as required by disposal site. The water accumulates from floor drains and sinks in the PennDOT Chester County Maintenance Garage. Fastest accumulation is in the winter when snow melts off the trucks. Before water goes into tanks, it passes through an oil water separator. Submit bids on the Commonwealth's Service Purchase Proposal/Contract form with required attachments obtained from District 6-0 Office.

Department: Transportation
Location: PennDOT Garage, 401 Montgomery Avenue, West Chester, PA 19380
Duration: 3-1-97 to 2-28-98 with four possible renewals
Contact: Charles Stone, (610) 964-6520

Vehicle, Heavy Equipment and Powered Machinery Services—38

4498 The contractor shall provide technical assistance, preventive maintenance and repairs, calibration, safety inspections and emergency call-out services to maintain two (2) 16 cylinder diesel catapillers, five (5) electrical back-up generators and related controls and metering devices at State Correctional Institution Greene.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: July 1, 1997—June 30, 1999
Contact: Carol A. Teegarden, (412) 852-5515

[Pa.B. Doc. No. 96-1867. Filed for public inspection November 1, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1204216-01	10/15/96	Telematic Co., Inc.	7,712.00
1239206-01	10/22/96	Rothrock Chevrolet, Inc.	28,950.36
1248236-01	10/15/96	R. H. Whelan Co.	29,720.32
1252176-01	10/15/96	AVR Business Systems, Inc.	11,489.02
1255126-01	10/22/96	Tab Sales of Central PA	11,976.60
1256116-01	10/15/96	Tulpehocken Spring Wa- ter, Inc.	60,600.00
1261216-01	10/22/96	Tague Lumber, Inc.	15,122.45
7370-01	11/01/96	Jedco Paper Corporation	1,821.85
7370-01	11/01/96	Resourcenet Internat- ional	22,555.90
7370-01	11/01/96	Calico Indus- tries, Inc.	113,658.28
7370-01	11/01/96	Feeser's, Inc.	70,231.90
8130540-01	10/15/96	IA Construc- tion Corp.	23,816.94
8217040-01	10/22/96	Labe Sales, Inc.	5,550.00
8503340-01	10/15/96	A. C. Miller Concrete Prod., Inc.	51,000.00
8503350-01	10/22/96	Emsco Group	12,800.00
9130-03	10/29/96	Pedroni Fuel Company	173,925.00
9130-03	10/29/96	Farm and Home Oil Co.	112,259.00

Requisition or Contract #	Awarded On	To	In the Amount Of
9130-03	10/29/96	Pipeline Petro- leum, Inc.	185,350.00
9130-03	10/29/96	Bedford Valley Petroleum Corp.	223,932.00
9130-03	10/29/96	Luther P. Miller, Inc.	205,060.00
9130-03	10/29/96	Orris Fuel, Inc.	296,714.00
9130-03	10/29/96	Reed Oil Com- pany	163,220.00
9130-03	10/29/96	Export Fuel Co., Inc.	166,470.00
9130-03	10/29/96	Glassmere Fuel Service, Inc.	161,407.00
9130-03	10/29/96	Petroleum Traders Corp.	156,572.00
9130-03	10/29/96	Agway Petro- leum Corpo- ration	248,020.00
9130-03	10/29/96	Carlos R. Lef- fler, Inc.	1,520,592.00
9130-03	10/29/96	Griffith Oil Co., Inc.	76,522.00
9130-03	10/29/96	Witter Gas and Oil Co., Inc.	22,380.00
9130-03	10/29/96	Montour Auto Service Co.	85,656.00
9130-03	10/29/96	Erie Petro- leum, Inc.	126,295.00
9130-03	10/29/96	Pickelner Fuel Oil Co.	239,101.00
9130-03	10/29/96	Klasen Oil Co., Inc.	36,976.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1868. Filed for public inspection November 1, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 71—73]

Sewage Facilities

The Environmental Quality Board (Board) by this order adopts amendments to Chapters 71—73 (relating to administration of sewage facilities program; administration of sewage facilities permitting program; and standards for sewage disposal facilities). The amendments establish technical and bonding criteria for the installation of onlot sewage disposal systems in areas where soil mottling is present. The amendments also include provisions relating to implementation of a statutory provision exempting certain qualified 10-acre lots from onlot sewage disposal system permitting requirements, a shortened time frame for the review of new land development revisions by the Department of Environmental Protection (Department), employment of alternate sewage enforcement officers, acceptance of prior soils testing in certain situations and extended duration of permit terms for onlot sewage systems. The amendments are based on amendments to the Pennsylvania Sewage Facilities Act (act) (35 P.S. §§ 750.1—750.20) which were enacted by the act of July 1, 1989 (P.L. 124, No. 26) (Act 26) and the act of December 14, 1994 (P.L. 1250, No. 149) (Act 149) and recommendations to the Board by the Sewage Advisory Committee (SAC).

The Board approved the final regulations at its June 18, 1996 meeting.

A. Effective Date

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

B. Contact Persons

For further information regarding these amendments, contact Cedric H. Karper, Chief, Division of Municipal Planning and Finance, Bureau of Water Quality Management, 10th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 787-3481 and William S. Cumings, Jr., Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, 400 Market Street, 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 Web Site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The amendments are promulgated under the authority of sections 7.2 and 9 of the act (35 P.S. §§ 750.7b and 750.9), which grant the Board the authority to adopt rules and regulations relating to the implementation of the act. The amendments are also made under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510.20).

D. Background and Summary

During its 1994 session, the General Assembly enacted Act 149, which substantially amended the act. One section of Act 149 became effective immediately upon enactment. With one exception, the remainder of Act 149 became effective on December 15, 1995. The General Assembly also amended the act during its 1989 session (Act 26). Proposed regulations intended to implement the provisions of Act 26 were adopted by the Board on December 19, 1990, and were published in the *Pennsylvania Bulletin* on March 2, 1991 (21 Pa.B. 921). However, the regulations proposed to implement Act 26 were withdrawn by the Board on May 19, 1993, following the close of the public comment period. The amendments outlined in this notice implement the provisions of section 16 of Act 149 relating to the 10-acre exemption provisions of section 7 of the act which became effective immediately upon enactment of Act 149. The amendments also implement the provisions of Act 26 (including provisions of Act 26 which were amended under Act 149), particularly those related to the permitting of onlot sewage systems in areas where soil mottling is present and the financial assurance requirements of that act relating to the systems.

It should be noted that the Board has published proposed amendments relating to the provisions of Act 149 not addressed in this rulemaking. Those proposed amendments were published at 26 Pa.B. 1491 (March 30, 1996). Those proposed amendments include provisions relating to revised planning review processes outlined in Act 149, delegated agencies, permit and technical requirements relating to spray irrigation systems, fees, permitting by local agencies, reimbursements and multimunicipal local agencies.

SAC established by the act and consisting of 33 special interest groups, met on December 13, 1995, to review the draft final rulemaking. SAC reviewed the recommendations of the Regulation Subcommittee of SAC which conducted a detailed review of the final rulemaking, all comments received and the Department's response to those comments. SAC made recommendations regarding each comment received. A copy of the Comment and Response Document can be obtained by contacting the individuals listed in Section B of this Preamble.

E. Summary of Comments and Responses on the Proposed Rulemaking

The Board received comments from five organizations during the public comment period. The Board also received comments from the Independent Regulatory Review Commission (IRRC).

Three commentators affiliated with the Pennsylvania Association of Sewage Enforcement Officers suggested that the language of § 72.22(g) (relating to permit issuance) pertaining to verification of specific isolation distances for eligibility for a permit exemption be clarified to provide that owners of property qualifying for a permit exemption provide the documentation to the local agency. Among other things, the commentators noted that the absence of this documentation might be construed as requiring the local agency to perform the tasks associated with documenting that the specified isolation distances are in compliance with the requirements of the act. The Department agrees that this documentation is the responsibility of the landowner proposing to install a permit exempt system. Therefore, the language of § 72.22(g) has

been clarified to provide that a landowner shall provide the documentation to the local agency upon request and that the documentation be satisfactory to the local agency.

IRRC, however, believes the local agency is responsible for verifying the siting requirements of the act. IRRC believes the local agency is thus required to inspect the site and verify that the system is located in accordance with the requirements of the act. The Board and SAC disagree with IRRC. The revised language creates an affirmative obligation on the local agency to ensure that a system is installed in accordance with the siting requirements of the act.

One commentator questioned the conflict of interest provisions in § 72.41 (relating to powers and duties of sewage enforcement officers). The comments provided by this commentator are not germane to this rulemaking since they relate to conflict of interest provisions of the act which are the subject of a separate rulemaking noted in Section D.

IRRC suggested that the provisions in § 71.54 (relating to Department administration of new land development planning requirements for revisions) pertaining to completeness determinations be amended to require the Department to formally notify an applicant when an application for a revision for new land development is complete and the date the submission is determined to be complete. SAC agreed with this suggestion. For the reasons stated in this Preamble, the Board does not agree with the suggestion. Section 5(e)(2) of the act (35 P. S. § 750.5(e)(2)) provides that the Department is to determine if a submission is complete within 10 working days of its receipt. The act does not require the Department to notify an applicant in the manner suggested by IRRC. Except in the case when an applicant might agree to an extended period of time for a completeness determination, if the Department does not notify an applicant that the submission is either incomplete or complete within the 10-day period, the applicant can readily presume that the submission is complete and that the clock has started to run for the Department's review of the submission.

IRRC provided extensive comments regarding the financial assurance and forfeiture procedures outlined in §§ 73.77 and 73.151 (relating to general requirements for bonded disposal systems; and standards for financial assurances).

As previously noted, the Board adopted a proposal to implement the financial assurance requirements of Act 26, which was published in the *Pennsylvania Bulletin* on March 2, 1991. Section 73.151 of that proposal contained detailed provisions relating to financial assurances, including identification of specific types of financial instruments which might be acceptable and procedures for forfeiting these assurances. The Board received numerous comments which were critical of those financial assurance requirements. Many commentators, including the sponsor of Act 26, believed the provisions were too detailed. Largely in response to the negative comments, the Board allowed the proposal published in the *Pennsylvania Bulletin* in March 1991 to lapse and the regulation was never finalized.

Accordingly, the provisions of originally proposed § 73.151 were simplified and drafted with the intent of allowing local agencies as much flexibility as possible in developing financial assurance requirements and procedures. The Board intends to provide local government with as much flexibility as possible in administering State programs.

For the reasons outlined in this Preamble, the Board and SAC disagree with IRRC's comments:

(1) IRRC acknowledges that the explanation in the Preamble accompanying the proposal for not including acceptable types of financial assurances in § 73.151 has some merit. However, IRRC does not believe it is consistent with the legislative requirements of the act. As explained in the Preamble, there are numerous types of financial instruments which could provide the financial assurances contemplated by section 7.2 of the act. Among these instruments are surety bonds, collateral bonds, letters of credit, indemnity agreements and escrow agreements. The types of instruments providing financial assurances are constantly evolving. Therefore, the Board does not believe it would be appropriate to list in the regulations all types of financial assurances which would be acceptable. The Board believes it has met the requirement of section 7.2 of the act by specifying in § 73.151 that the financial assurances should ". . . establish, to the satisfaction of the local agency, its full and unconditional right to demand and receive any sum due it under section 7.2 of the act." Moreover, financial assurance instruments will be subject to review for legality and form by the solicitors of the local agencies within which a bonded system is to be installed.

(2) IRRC suggested that acceptable types of financial assurances, as described in the Preamble, be specified in the regulations itself, not the Preamble. The rationale for this suggestion is that by specifying the acceptable types in the regulation, individuals seeking to construct disposal systems will have a clear understanding of the types of financial assurance they will need to seek. IRRC also recommended that the Board amend the regulations to provide that the Department may approve an alternative type of financial assurance not listed in the rulemaking based on a specific request from an individual or local agency. The Board disagrees with IRRC's suggestions. It is not appropriate for the Department to specify types of financial assurances which are acceptable in cases when the local agency determines whether the assurances are satisfactory. If a local agency does not believe a financial assurance specified in the regulations is satisfactory, the result is the anomaly of a regulatory provision precluding a local agency from deciding what is the best financial assurance for its unique situation. As to the suggested amendment, it is doubtful whether the Department would approve an alternative type of financial assurance without undergoing a time-consuming rulemaking process. Moreover, the Board believes the language of § 73.151 provides a much more flexible and expeditious means of providing alternative types of financial assurances since a local agency is authorized to determine what assurances are satisfactory.

IRRC believes that the proposed amendments are silent on the requirement of section 7.2(b) of the act that the Board establish, *inter alia*, "the type of additional financial assurance required if the system approved . . . is replaced." Section 73.77(b)(2) (relating to general requirements for bonded disposal systems) explicitly provides that a property owner shall provide "evidence of financial assurance satisfactory to the local agency in an amount equal to the cost of replacement of the individual residential sewage system proposed and the reasonably anticipated costs of remedial measures to clean up contaminated groundwater, to replace any contaminated water supplies and to repair or replace a malfunction of the on-lot system," among other things, in order to qualify for a permit under section 7.2 of the act.

(3) IRRC provided extensive comments based on the assumption that the local agency would be the entity providing the financial assurances and would hold the financial assurance. The Board believes the comments reflect a misunderstanding of the financial assurance documents and procedures being proposed. In most cases, the local agency will be the beneficiary of a financial assurance instrument entered into between the owner of a bonded sewage disposal system and some third party which would in most cases be a bank or an indemnity company. The Board does not believe many local agencies will provide financial assurances except in extreme circumstances.

(4) With regard to the provisions of § 73.77(b)(2) relating to the terms of the financial assurances, IRRC believes there is a discrepancy between the proposed amendment and the statute in the sense that the proposed amendment does not appear to require termination at the end of 5 years. The proposal stated that the local agency may terminate the financial assurance requirements at "the end of its term consistent with the provisions of the act." As noted in the two sentences of § 73.77(b)(2) preceding the provision in question, a local agency is authorized to set the terms for financial assurances for up to 3 years, and may require a continuation for up to 2 additional years. A local agency is thus authorized to require financial assurances for a maximum of 5 years. However, a local agency is authorized to require financial assurance for a period less than the minimum of 3 years. Since the terms of the financial assurances which may be required by local agencies may vary and the maximum term with renewals is 5 years, the language of § 73.77(b)(2) is consistent with the requirement of section 7.2(a)(2)(ii) of the act.

F. *Benefits and Costs*

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

These changes to Chapters 71—73 are necessary to bring existing regulations into compliance with recent amendments to the act.

Some proponents of residential subdivision plans will experience a reduction in review time for Department review of sewage plan revisions for their projects. These reduced review times may result in reduction of overall costs to finance the projects.

Appointment of alternate sewage enforcement officers in each local agency should result in a reduction in response time for sewage enforcement officer services if the local agency appoints a sufficient number of alternate sewage enforcement officers.

The extension of time for the validity of an onlot sewage system permit to 3 years may benefit a limited number of property owners.

A limited number of owners of lots 10 acres or greater will qualify for an exception to the requirement to obtain a permit for an onlot sewage system. This will save the cost of the permit. However, these costs may be offset by an increased rate of malfunctions on these sites and, to some extent, by verification fees established by the local agency.

These revisions require the State Board for Certification of Sewage Enforcement Officers to administer the certification test at least four times per year. This will reduce the amount of time between an application for certification and actual certification of those qualifying by

approximately 50%. This may result in an increased number of sewage enforcement officers being available for local agency employment.

The financial assurance or bonded disposal system provisions now allow property owners seeking permits for individual residential sewage systems where soil mottling is not indicative of a seasonal high water table to apply for a permit. These permits would have otherwise been denied. Qualifying for these bonded disposal systems requires financial assurance against failure of the system. Minimum financial assurances of \$20,000 per year for 3 years are required for each residential sewage system or 15% of the appraised value of the lot and proposed dwelling.

With respect to compliance assistance, the Department has been, and will continue to be, engaged in extensive outreach efforts. These efforts include providing comprehensive training and education programs for sewage enforcement officers, municipal officials and other interested groups.

G. *Sunset Review*

These 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)), the Department submitted a copy of the notice of proposed rulemaking, published at 25 Pa.B. 3221 (August 5, 1995) on July 20, 1995, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. No comments were received from the Committees.

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee on August 13, 1996, and were deemed approved by the Senate Environmental Resources and Energy Committee on August 13, 1996. IRRC met on August 22, 1996, and disapproved the amendments in accordance with section 6(a) of the Regulatory Review Act. Pursuant to section 7(b) of the Regulatory Review Act, the Department determined it was desirable to implement the final-form regulations without revisions or modifications recommended by IRRC and submitted a report to the House and Senate September 9, 1996. The Committees did not act on the Department's report within 14 days of receipt of the Department's report. These final-form regulations were accordingly deemed approved on September 23, 1996, and may thus be promulgated in accordance with section 7(d) of the Regulatory Review Act.

I. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These amendments do not enlarge the purpose of the proposal published at 25 Pa.B. 3221.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 71—73, are amended by amending §§ 71.1, 71.32, 71.54, 72.21, 72.22, 72.27, 72.41, 72.42, 72.52, 72.53, 72.56, 72.58, 73.1, 73.14 and 73.15 and by adding §§ 72.31, 73.77 and 73.151 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

JAMES M. SEIF,
Chairperson

(Editor's Note: A proposal affecting every section amended in this document remains outstanding at 26 Pa.B. 1491 (March 30, 1996).

Editor Note: For the text of the order of the Independent Regulatory Commission relating to this document, see 26 Pa.B. 4293 (August 31, 1996).

Fiscal Note: Fiscal Note 7-289 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE I. LAND RESOURCES

**CHAPTER 71. ADMINISTRATION OF SEWAGE
FACILITIES PLANNING PROGRAM**

**Subchapter A. GENERAL PROVISIONS
GENERAL**

§ 71.1. Definitions.

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

* * * * *

Residential subdivision plan—A subdivision in which at least two-thirds of the proposed daily sewage flows will be generated by residential uses.

* * * * *

OFFICIAL PLAN APPROVAL

§ 71.32. Department responsibility to review and act upon official plans.

(a) No official plan or official plan revision will be considered complete by the Department unless it contains the information and supporting documentation required by the Department, including those items required by § 71.31 (relating to municipal responsibility to review, adopt and implement official plans).

(b) Within 120 days after submission of a complete official plan or official plan revision, with supporting documentation, the Department will either approve or disapprove the plan or revision, except as provided in § 71.54(d) (relating to Department administration of new land development planning requirements for revisions) for a plan revision for a residential subdivision plan.

(c) Upon the Department's failure to act on a complete official plan or revision within 120 days of its submission, the official plan or official plan revision will be considered approved, unless the Department informs the municipality prior to the end of 120 days that additional time is necessary to complete its review. The additional time may not exceed 60 days.

(d) In approving or disapproving an official plan or official plan revision, the Department will consider:

(1) Whether the plan or revision meets the requirements of the act, The Clean Streams Law and this part.

(2) Whether the municipality has adequately considered questions raised in comments, if any, of the appropriate areawide planning agency, the county or joint county department of health, and the general public.

(3) Whether the plan or revision furthers the policies established under section 3 of the act (35 P. S. § 750.3) and sections 4 and 5 of The Clean Streams Law (35 P. S. §§ 691.4 and 691.5).

(4) Whether the official plan or official plan revision is able to be implemented.

(5) Whether the official plan or official plan revision adequately provides for continued operation and maintenance of the proposed sewage facilities.

(6) Whether the official plan or official plan revision contains documentation that inconsistencies identified in § 71.21(a)(5)(i)—(iii) (relating to content of official plans) have been resolved under § 71.31(e).

(7) If the official plan or official plan revision includes proposed sewage facilities connected to or otherwise affecting sewage facilities of other municipalities, whether the other municipalities have submitted necessary revisions to their plans for approval by the Department.

(e) If the official plan or official plan revision is disapproved by the Department, written notice will be given to each municipality included in the plan, together with a statement of reasons for the disapproval.

(f) In a municipality that does not have an official plan, or fails to revise or implement its official plan as required by order of the Department or this part the following apply:

(1) The limitations on the issuance of permits under section 7(b)(4) of the act (35 P. S. § 750.7(b)(4)) are in effect.

(2) The Department will not approve a project requiring a permit under section 5 of The Clean Streams Law in those areas of the municipality for which an official plan, official plan revision or implementation of an official plan is required.

(3) The Department will not approve a revision for new land development in those areas of the municipality for

which an official plan, update revision or implementation of an official plan is required.

(4) The municipality or local planning agency may not approve a subdivision plan nor issue a building permit in those areas of the municipality where the official plan is inadequate or not being substantially implemented.

Subchapter C. NEW LAND DEVELOPMENT PLAN REVISIONS

§ 71.54. Department administration of new land development planning requirements for revisions.

(a) No proposed plan revision for new land development will be approved by the Department unless it contains the information and supporting documentation required by the act, The Clean Streams Law and regulations promulgated thereunder.

(b) A proposed plan revision for new land development will not be considered for approval unless accompanied by the information required in § 71.53(d) (relating to municipal administration of new land development planning requirements for revisions). For the purpose of this section, the Department will determine whether a submission for a residential subdivision plan is complete under § 71.53(d) within 10 working days of its receipt by the Department.

(c) When a municipality does not have an approved official plan, or fails to revise or implement an official plan when required:

(1) Section 71.32(f) (relating to Department responsibility to review and act upon official plans) applies.

(2) The exceptions to the requirements to revise the official plan for new land development in § 71.55 (relating to exceptions to the requirement to revise the official plan for new land development) do not apply.

(d) Within 120 days after the Department has determined that a proposed plan revision and documentation is complete, the Department will approve or disapprove the proposed plan revision, except that the Department will approve or disapprove revisions for residential subdivision plans within 60 days from the date the Department determines a submission is complete.

(e) Upon the Department's failure to act upon a proposed plan revision within 120 days of its submission, the proposed plan revision shall be deemed to have been approved, unless the Department informs the municipality prior to the end of the 120-day period that an extension of time is necessary to complete review. The additional time will not exceed 60 days.

(f) In approving or disapproving an official plan or revision, the Department will consider the requirements of § 71.32(d).

(g) When an official plan revision for new land development is disapproved by the Department, written notice will be given to each municipality included in the plan revision, with a statement of reasons for the disapproval.

CHAPTER 72. ADMINISTRATION OF SEWAGE FACILITIES PERMITTING PROGRAM

Subchapter B. PERMIT REQUIREMENTS

§ 72.21. General.

(a) A local agency shall employ at least one sewage enforcement officer and one alternate sewage enforcement officer who have been certified by the Certification Board under Subchapter D (relating to certification of sewage

enforcement officers). References to sewage enforcement officer in this part also apply to alternate sewage enforcement officers.

(b) No local agency may issue a permit for the installation of an individual or community onlot sewage system except by and through a certified sewage enforcement officer employed by it.

(c) The local agency by action of its sewage enforcement officer shall issue a permit for an individual or community onlot sewage system when the proposed system is in compliance with the act, and this part.

(d) The actions of local agencies include actions of their designated sewage enforcement officers.

(e) The property owner shall bear the cost of activities associated with conducting, observing or confirming percolation tests.

§ 72.22. Permit issuance.

(a) No person may install or construct an individual or community onlot sewage system, or install, construct, occupy or use a building to be served by that system without first obtaining a permit from the local agency, except as provided in subsections (d) and (e).

(b) A permit is required by the local agency for alterations to an existing individual or community onlot sewage system when the alteration requires the repair, replacement or enlargement of a treatment tank, subsurface absorption area or retention tank.

(c) Multiple installations of chemical toilets or other portable toilets proposed for temporary use at a construction site, a recreation activity or a temporary facility shall be covered by one permit.

(d) A permit is not required for the installation of a recycling toilet, incinerating toilet, composting toilet or other type of water conservation device where the existing onlot system will not be altered.

(e) Except when a local agency or municipality requires a permit by ordinance, no permit or official plan revision is required for the installation of an individual onlot sewage system for a residential structure occupied or intended to be occupied by the property owner or a member of the property owner's family on a contiguous tract of land 10 acres or more if the owner of the property was the owner of record as of January 10, 1987. For the purposes of this subsection, the term "immediate family" means a brother, sister, son, daughter, stepson, stepdaughter, grandson, granddaughter, father or mother of the property owner.

(f) The installation of a permit-exempt system is not required to be approved by or meet the standards of the Department or local agency under their rules and regulations for the siting, design or installation of onlot sewage systems, except for the siting requirements of subsection (g), unless a permit is required by a regulation or ordinance of a local agency or municipality, or the person qualifying for the permit exemption chooses to not use the permit exemption. A permit exemption may also be granted if a 10-acre parcel or lot is subdivided from a parent tract after January 10, 1987. When one permit exemption has been granted for a lot, tract or parcel under this section, any lot, tract or parcel remaining after subdivision of the lot or parcel which received the permit exemption or any lots or parcels subdivided from either lot, tract or parcel in the future is not eligible for a 10-acre permit exemption and shall meet the planning, permitting, siting and construction standards of the De-

partment relating to onlot sewage systems. Owners of a lot, tract or parcel which otherwise qualified for the permit exemption, who do not choose to use the permit exemption remain exempt from the planning requirements of the act with respect to that lot, tract or parcel.

(g) Owners of property qualifying for a permit exemption under subsections (e) and (f) shall install permit-exempt systems in accordance with the following siting requirements:

(1) The perimeter of the septic tanks and absorption area shall be located at least 200 feet from the perimeter of any property line, nonutility right-of-way, 100-year floodplain or any river, stream, creek, impoundment, well, watercourse, storm sewer, lake, dammed water pond, spring, ditch, wetland, water supply or any other body of surface water and 10 feet from any utility right-of-way.

(2) Before a person who meets the requirements of subsections (e) and (f) for a permit-exempt system installs a system, the person shall notify the local agency of the installation and shall provide documentation relating to the siting requirement of this subsection which is satisfactory to the local agency. The local agency may charge a fee, not to exceed \$25, to verify that the system is located in accordance with the siting requirements.

§ 72.27. Expiration and transfer of permits.

(a) A permit shall expire if construction or installation of an individual or community onlot sewage system and the structure for which the system is to be installed has not begun within 3 years after permit issuance. A new permit shall be obtained prior to beginning the construction or installation. When issuing a new permit, the local agency may require information necessary to confirm the validity of the original application.

(b) A permit may be transferred from the permit holder to a new property owner with the transfer of the property. Transfers are not valid until approved in writing by the local agency, and until new property owners receive a copy of the application under which the permit was issued.

§ 72.31. Conditions related to the installation of permit exempt systems.

(a) A person installing a permit-exempt system shall indemnify and hold harmless the Commonwealth, the local agency, the sewage enforcement officer serving the municipality in which the system is located and the municipality where the system is located from and against damages to property or injuries to any persons and other losses, damages, expenses, claims, demands, suits and actions by any party against the Commonwealth, the local agency, sewage enforcement officer and the municipality in connection with the malfunctioning of the onlot sewage system installed under the permit exemption provisions of this section. It is the sole responsibility of the property owner who installed or contracted for the installation of a sewage system under the permit exemption provisions of this section or the property owner who accepted responsibility for the system upon purchase of the property under the disclosure provisions of subsection (b) to correct or have corrected any system malfunction which contaminates surface or groundwater or discharges to the surface of the ground. Malfunctions of systems installed under this section which contaminate ground or surface water or discharge to the surface of the ground shall constitute a nuisance and shall be abatable in a manner provided by law.

(b) Every contract for the sale of a lot, as defined in § 72.1 (relating to definitions) which is served by an

individual sewage system which was installed under the 10-acre permit exemption provisions of § 72.22(e) and (f) (relating to permit issuance) shall contain a statement in the sales contract that clearly indicates to the buyer that soils and site testing were not conducted and that the owner of the property served by the system at the time of a malfunction may be held liable for any contamination, pollution, public health hazard or nuisance which occurs as the result of the malfunction of a sewage system installed in accordance with the 10-acre permit exemption provisions of this section. A contract which does not conform to these requirements is not enforceable by the seller against the buyer. Any term of the contract purporting to waive the rights of the buyer to the disclosures required in this subsection is void.

Subchapter C. ADMINISTRATION OF PERMITTING REQUIREMENTS

§ 72.41. Powers and duties of sewage enforcement officers.

* * * * *

(b) A sewage enforcement officer shall issue permits only within the jurisdiction of the local agency in which the sewage enforcement officer is employed. When a sewage enforcement officer encounters a conflict of interest as specified in subsections (f)—(i), the local agency shall employ a certified sewage enforcement officer not having a conflict of interest regarding the system or lot.

(c) The local agency shall notify the sewage enforcement officer and the Department in writing of the specific conditions of employment, including, but not limited to, the following:

- (1) The geographic boundaries.
- (2) The specific permit applications to be processed.
- (3) The rate of compensation to the sewage enforcement officer.
- (4) The duration of employment.

(d) A sewage enforcement officer shall only accept payment from the local agency for services performed in conjunction with administration of the act.

(e) A sewage enforcement officer shall only accept application or other processing fees for the local agency under the following conditions:

- (1) The fee is in the amount prescribed by the local agency's adopted fee schedule.
- (2) The fee is rendered in accordance with the local agency's adopted receipt system as required by § 72.42(g) (relating to powers and duties of local agencies).
- (3) The sewage enforcement officer has received written direction from the local agency to accept these fees on behalf of the local agency.

(f) A sewage enforcement officer may advise an applicant regarding available options for the planning, design and construction of an individual or community onlot disposal system, but may not select the final system design, as specified in subsection (g).

(g) A sewage enforcement officer may not plan, design, construct, sell or install an individual or community onlot sewage system within the geographic boundaries of the sewage enforcement officer's authority, as specified by the local agency.

(h) A sewage enforcement officer may not conduct a test, issue a permit, participate in the official processing of an application or official review of a planning module

for an individual or community onlot sewage system in which the sewage enforcement officer, a relative of the sewage enforcement officer, a business associate of the sewage enforcement officer or an employer of the sewage enforcement officer, other than the local agency, has a financial interest.

(i) For purposes of subsection (h), a financial interest includes full or partial ownership, agreement or option to purchase, leasehold, mortgage or another financial or proprietary interest in; or serving as an officer, director, employe, contractor, consultant or another legal or fiduciary representative of a corporation, partnership, joint venture or other legal entity which has a proprietary interest in one or more of the following:

- (1) One or more lots to be served by the system.
- (2) The development or sale of the lots to be served by the system.
- (3) A contract, either written or oral, to perform a service in the development of one or more of the lots to be served by the system. The service may be before or after the fact of development and may include professional as well as other services.
- (4) A contract, either written or oral, to sell, plan, design, construct, install or provide materials or component parts for the system.

(j) Prior to issuing a permit, the sewage enforcement officer shall conduct personally, observe or otherwise confirm in a manner approved by the Department tests used to determine the suitability of a site for an individual or community onlot sewage system. A sewage enforcement officer shall accept testing conducted by a prior sewage enforcement officer for the local agency if the site, data and prior testing meet the criteria specified in section 8(c) of the act (35 P. S. § 750.8(c)). When a sewage enforcement officer accepts testing by a prior officer, a copy of the Form ER-BWQ-290, Appendix B or another form as may be specified by the Department, shall be attached to each copy of the permit application.

(k) Prior to issuing a permit, the sewage enforcement officer shall confirm that the application is complete and that the proposed system design is in compliance with the requirements of the act and this part.

(l) The sewage enforcement officer shall give timely written notice to applicants or permittees of approval, denial or revocation of a permit under this chapter.

(m) The sewage enforcement officer shall advise the local agency of a violation of the act or this part, known to the sewage enforcement officer, which occurs within the local agency's jurisdiction.

(n) The sewage enforcement officer shall advise the local agency of its responsibility to restrain a violation of the act or this part and shall independently take action within the scope of his authority necessary to restrain or correct the violation.

(o) The sewage enforcement officer shall submit the Department's copy of the completed Application For Sewage Disposal System, with necessary attachments, within 7 days of acting upon the application.

§ 72.42. Powers and duties of local agencies.

(a) The local agency has the power and duty to:

(1) Employ sewage enforcement officers to administer section 7 of the act (35 P. S. § 750.7) and this part.

(2) Employ other technical and administrative personnel necessary to support the activities of the sewage enforcement officer.

(3) Set rates of compensation for the sewage enforcement officer and other employes.

(4) Maintain offices and purchase equipment and supplies necessary for the administration of the act.

(5) Establish a schedule of fees for the processing of applications and other services provided by the local agency. This fee schedule may establish different charges for various activities and types of systems consistent with the administrative costs of reviewing applications, conducting necessary tests and investigations and supervising the installation of the system.

(6) Collect the appropriate fees as designated in the established fee schedule. The local agency shall maintain records of income, expenses and transactions of the local agency in a manner consistent with accepted accounting practices.

(7) Establish a system of receipts for monetary transactions. The receipt system shall provide to the local agency and to the applicant a record of the amount tendered to the local agency and the specific purpose of the transaction.

(8) Adopt and maintain standards and procedures for applications and permits for individual and community onlot sewage systems identical to those of the Department, as contained in this part.

(9) Adopt and maintain other regulations the local agency deems necessary for the administration and enforcement of section 7 of the act (35 P. S. § 750.7) as long as they are consistent with the act and this part.

(10) Submit reports and data to the Department as required by this part or an order of the Department.

(11) Submit to the Department annually the name and address of its certified sewage enforcement officer and alternate sewage enforcement officer.

(12) Make or cause to be made inspections and tests necessary to carry out section 7 of the act. For this purpose, the authorized representatives of the local agency have the right to enter upon lands.

(13) Proceed under sections 12, 14 and 15 of the act (35 P. S. §§ 750.12, 750.14 and 750.15) to restrain violations of the act and this part, and to abate nuisances in accordance with existing statutes, or as defined in the act.

(14) Notify the Department in writing within 15 days of a change in the sewage enforcement officer or his address.

(15) Cease issuing permits in designated areas when ordered to do so by the Department under section 10(7) of the act (35 P. S. § 750.10(7)), after notice and opportunity for a Departmental hearing. The local agency may issue permits in these areas for the abatement of existing health hazards and public nuisances.

(16) When applicable, establish a program for requiring, verifying, forfeiting, administering and enforcing the provision of financial assurances under § 73.151 (relating to standards for financial assurances). Costs for administering this program shall be included in the fee schedule of the local agency.

(b) The local agency may offer a program to provide financial assurance, for a fee, for systems installed under § 73.77 (relating to general requirements for bonded

disposal systems). Financial assurance provided by the local agency shall comply with § 73.151.

Subchapter D. CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

§ 72.52. Conditions of certification.

(a) The Certification Board will issue a Sewage Enforcement Officer Certificate to a person who meets the following:

(1) Is a natural person or individual. Associations, partnerships or corporate entities are not qualified for certification.

(2) Has passed an applicable examination prepared by the Department.

(3) Has not had his certification revoked previously. After 2 years from a previous revocation, the Certification Board may reexamine and recertify a person. In determining fitness for recertification, the Certification Board will consider the nature and gravity of the misconduct which resulted in the previous revocation and the recommendation of the Department.

(b) Certification is for up to 2 years. Upon the payment of a fee of \$5 by the certificate holder the Certification Board will renew a valid certificate of a qualified applicant, except that applicants for renewal who are employed by the Department in administering the act are not subject to the fee requirements of this subsection.

(c) If the Certification Board does not meet within 30 days of receiving the examination results from the certification testing contractor, an applicant for certification who meets the requirements of subsection (a) will be deemed certified, except that an applicant who is in violation of the regulations under the act or who is restrained from certification by § 72.43 (relating to powers and duties of the Department) will not be deemed certified.

§ 72.53. Certification examination.

(a) The Department will prepare an examination to be used by the Certification Board in determining the fitness of candidates for certification and will establish the passing grade for the examination and for each part of the examination in the areas of sewage facilities planning, program administration, technical criteria and enforcement.

(b) The Department will submit the examination to the Certification Board, which shall by letter to applicants and by publication in the *Pennsylvania Bulletin* at least 30 days prior to each examination announce the location, time, scope and passing grade for the examination.

(c) The Certification Board shall schedule a date for the examination at least four times in each calendar year.

(d) An individual who takes, but does not successfully pass the examination on three occasions, is not permitted to retake the examination administered by the Certification Board for 1 year, and until the applicant has completed a training course approved by the Department. Thereafter, a candidate may take the examination only once in a calendar year until the examination is passed.

§ 72.56. Change of address.

(a) The Certification Board will compile and keep current a register showing the names and addresses of certified sewage enforcement officers. Copies of this register will be furnished on request.

(b) The sewage enforcement officer shall promptly notify the Certification Board of a change of address.

§ 72.58. Certification Board hearings and procedures.

(a) Actions by the Department to revoke or suspend sewage enforcement officer certifications become final only after notice and opportunity for a hearing before the Certification Board. The filing of an appeal with the Certification Board does not operate as an automatic supersedeas of the action of the Department. If no request for a hearing is filed with the Secretary of the Certification Board within 30 days of receipt of notice of the action by the certificate holder, the action becomes final. Requests for a hearing shall set forth with specificity the grounds for the appeal, including objections to the Department's action. Failure to specifically delineate the grounds for the appeal, or to state a legally sufficient basis for relief, constitutes grounds for summary judgment or judgment on the pleadings as provided in the Pa.R.C.P. (relating to rules of civil procedure).

(b) In hearings before the Certification Board, 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) applies, unless it is inconsistent with this chapter. Discovery in hearings before the Certification Board shall be permitted as provided in the Pa.R.C.P.

(c) In proceedings before the Certification Board, the burden of proceeding and the burden of proof is the same as at common law, in that the burden normally rests with the party asserting the affirmative of an issue. The affirmative of the issue shall be established by a preponderance of the evidence. The Certification Board may require the other party to assume the burden of proceeding with the evidence in whole or in part, if that party is in possession of facts or should have knowledge of facts relevant to the issue.

(d) Actions and adjudications of the Certification Board shall be by a vote of a majority of members present at a meeting called for consideration of the action or adjudication. Three members of the Certification Board constitute a quorum.

(e) The Certification Board may hear matters brought before it as a whole or may appoint hearing examiners. Hearings held by hearing examiners not members of the Certification Board shall be decided by the Board based upon its review of the record and the examiner's proposed adjudication.

(f) An applicant is not entitled to a hearing when a certificate was denied because the applicant failed to pass the certification examination or failed to successfully complete a training program required by the Department.

CHAPTER 73. STANDARDS FOR SEWAGE DISPOSAL FACILITIES

GENERAL

§ 73.1. Definitions.

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

* * * * *

Bonded disposal system—An individual sewage system located on a single lot serving a single family residence, where soil mottling is within 20 inches of the mineral soil surface, the installation, operation and replacement of which is guaranteed by the property owner.

* * * * *

Qualified registered professional engineer—A person registered to practice engineering in this Commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of onlot sewage disposal systems.

Qualified registered professional geologist—A person registered to practice geology in this Commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of onlot sewage disposal systems.

Qualified soil scientist—A person certified as a sewage enforcement officer and who has documented 2 years' experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of onlot sewage disposal systems and either a Bachelor of Science Degree in soils science from an accredited college or university or certification by the American Registry of Certified Professionals in agronomy, crops and soils.

* * * * *

Soil mottling—A soil color pattern consisting of patches of different colors or shades of color interspersed with the dominant soil color and which results from prolonged saturation of the soil.

* * * * *

GENERAL SITE LOCATION AND ABSORPTION AREA REQUIREMENTS

§ 73.14. Site investigation.

(a) Soil tests to determine the presence of a limiting zone and the capacity of the soil to permit the passage of water shall be conducted prior to permit issuance.

(1) On all locations where the installation of an absorption area is proposed, at least one excavation for examination of the soil profile shall be provided.

(2) The depth of the excavation shall be to the top of the limiting zone, or a maximum of 8 feet.

(3) The soil profile excavations shall be conducted within 10 feet of the proposed absorption area. A description of the soil profile shall be recorded on Form ER-BWQ-290, Appendix A.

(4) Where soil has been removed by grading or excavation, the surface of the undisturbed soil shall be considered to be the point from which the depth to limiting zone is measured.

(b) When the examination of the soil profile reveals a limiting zone within 20 inches of the mineral soil surface, percolation tests may not be conducted and a permit will be denied except as provided in § 73.77 (relating to general requirements for bonded disposal systems).

(c) Where examination of the soil profile reveals the absence of a limiting zone within 20 inches of the mineral soil surface, percolation tests shall be performed within the proposed absorption area. The average percolation rate shall be within the range indicated in § 73.16 (relating to absorption area requirements).

(d) The location and depth to the limiting zone of all soil profile excavations and the location of all percolation tests conducted on a lot shall be indicated on the plot plan of the Application for Sewage Disposal System, Form ER-BWQ-290, or attached diagram.

§ 73.15. Percolation tests.

Percolation tests shall be conducted in accordance with the following procedure:

(1) *Number and location.* Six or more tests shall be made in separate test holes spaced uniformly over the proposed absorption area site.

(2) *Results.* Percolation holes located within the proposed absorption area shall be used in the calculation of the arithmetic average percolation rate.

(3) *Type of hole.* Holes having a uniform diameter of 6 to 10 inches shall be bored or dug as follows:

(i) To the depth of the proposed absorption area, where the limiting zone is 60 inches or more from the mineral soil surface.

(ii) To a depth of 20 inches if the limiting zone is identified as seasonal high water table, whether perched or regional; rock formation; other stratum; or other soil condition which is so slowly permeable that it effectively limits downward passage of effluent, occurring at less than 60 inches from the mineral soil surface.

(iii) To a depth 8 inches above the limiting zone or 20 inches, whichever is less, if the limiting zone is identified as rock with open joints or with fractures or solution channels, or as masses of loose rock fragments including gravel with insufficient fine soil to fill the voids between the fragments, occurring at less than 60 inches from the mineral soil surface.

(4) *Preparation.* The bottom and sides of the hole shall be scarified with a knife blade or sharp-pointed instrument in order to completely remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Loose material shall be removed from the hole. Two inches of coarse sand or fine gravel shall be placed in the bottom of the hole to protect the soil from scouring and clogging of the pores.

(5) *Procedure for presoaking.* Holes shall be presoaked, according to the following procedure, to approximate normal wet weather or in-use conditions in the soil:

(i) *Initial presoak.* Holes shall be filled with water to a minimum depth of 12 inches over the gravel and allowed to stand undisturbed for 8 to 24 hours prior to the percolation test.

(ii) *Final presoak.* Immediately before the percolation test, water shall be placed in the hole to a minimum depth of 6 inches over the gravel and readjusted every 30 minutes for 1 hour.

(6) *Determination of measurement interval.* The drop in the water level during the last 30 minutes of the final presoaking period shall be applied to the following standard to determine the time interval between readings for each percolation hole:

(i) Where water remains in the hole, the interval for readings during the percolation test shall be 30 minutes.

(ii) Where no water remains in the hole, the interval for readings during the percolation test may be reduced to 10 minutes.

(7) *Measurement.* After the final presoaking period, water in the hole shall again be adjusted to approximately 6 inches over the gravel and readjusted when necessary after each reading.

(i) Measurement to the water level in the individual percolation holes shall be made from a fixed reference point and shall continue at the interval determined from

paragraph (6) for each individual percolation hole until a minimum of eight readings are completed or until a stabilized rate of drop is obtained. A stabilized rate of drop shall mean a difference of 1/4 inch or less of drop between the highest and lowest readings of four consecutive readings.

(ii) The drop that occurs in the final period in percolation test holes, expressed as minutes per inch, shall be used to calculate the arithmetic average percolation rate.

(iii) Where no measurable rate is obtained in a percolation hole, the rate of 240 minutes per inch shall be assigned to that hole for use in calculating the arithmetic average percolation rate.

(iv) Where no measurable rate is obtained in 1/3 or more of the percolation holes, the proposed absorption area tested is unsuitable, and a permit shall be denied for that area.

BONDED DISPOSAL SYSTEM

§ 73.77. General requirements for bonded disposal systems.

(a) The local agency shall authorize the performance of a percolation test, at the owner's expense, when one is requested in writing by the owner of the property if the local agency determines soil mottling is present.

(b) If the sole reason for a property not meeting the requirements for the installation of an individual residential onlot sewage system is the presence of soil mottling, the local agency shall issue a permit for an individual residential onlot sewage system designed to meet the Department's standards when the property owner meets the following conditions:

(1) A qualified soil scientist, qualified registered professional geologist, certified sewage enforcement officer or qualified registered professional engineer, not employed by the local agency with jurisdiction over the property in question, confirms in writing that the soil mottling observed in the test pits is not an indication of either a regional or perched seasonal high water table.

(2) The property owner provides evidence of financial assurance satisfactory to the local agency in an amount equal to the cost of replacement of the individual residential sewage system proposed and the reasonably anticipated cost of remedial measures to clean up contaminated groundwater to replace any contaminated water supplies and to repair or replace a malfunction of the onlot system. The local agency may not approve financial assurance in an amount less than \$20,000 or 15% of the

appraised value of the lot and proposed residential dwelling. The terms of the financial assurances shall be for up to 3 years. The local agency may require a continuation of up to 2 additional years of financial assurance. The local agency may terminate the financial assurance requirement at the end of its term consistent with the act.

(3) The property owner provides notification to the local agency 7 working days prior to conducting soil evaluations under this section and a representative of the local agency may observe the soil evaluations and may review resulting reports and correspondence.

(4) The property owner produces evidence of a clause in the deed to the property that clearly indicates soil mottling is present on the property and that an individual residential onlot sewage system meeting the requirements of this section was installed on the property.

§ 73.151. Standards for financial assurances.

(a) Financial assurance shall be sufficient to meet the requirements of section 7.2 of the act (35 P. S. § 750.7b).

(b) The local agency may establish an amount of financial assurance above the minimum established by § 73.77(b)(2) (relating to general requirements for bonded disposal systems).

(c) A local agency may accept forms of financial assurance that establish, to the satisfaction of the local agency, its full and unconditional right to demand and receive any sum due it under section 7.2 of the act. A local agency may authorize a property owner to use the financial assurance for the sole purpose of repair or replacement of the onlot system, for remedial measures to clean up contaminated groundwater and to replace contaminated water supplies.

(d) The local agency will forfeit the financial assurance when it determines that one or more of the following apply:

(1) The property owner has violated or continues to violate one or more of the terms or conditions pertaining to the financial assurance.

(2) The system has malfunctioned.

(3) The permittee has violated a condition of the permit or submitted false information.

(4) The property owner or permittee has failed to properly perform the remedial action required.

[Pa.B. Doc. No. 96-1869. Filed for public inspection November 1, 1996, 9:00 a.m.]