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PENNSYLVANIA BULLETIN

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(Master Transmittal Sheet):**

No. 264, November 1996

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 1400]

Order Amending Rule 1406: Imposition of Sentence; No. 216; Doc. No. 2

Order

Per Curiam:

Now, this 7th day of November, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published in the *Pennsylvania Bulletin* (Vol. 24 at 4077 *et seq.* and Vol. 25 at 2270 *et seq.*), and in the *Atlantic Reporter* (Second Series Advance Sheets Vols. 643-644 and Vols. 657—658) before adoption, and a *Final Report* to be published with this Order;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 1406 is amended as follows.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1400. SENTENCING

Rule 1406. Imposition of Sentence[: **Computation and Service**].

[(a)] Whenever more than one sentence is imposed at the same time on a defendant, or whenever a sentence is imposed on a defendant who is **[incarcerated]** sentenced for another offense, **[such sentences shall be deemed to run concurrently unless the judge states otherwise.]** the judge shall state whether the sentences shall run concurrently or consecutively.

[(b)] A sentence to imprisonment shall be deemed to commence and shall be computed from the date of commitment for the offense or offenses for which such sentence is imposed, which date shall be specified by the judge. Credit, to be calculated by the clerk of court, shall be given as provided by law for any days spent in custody by the defendant for such offense or offenses prior to the imposition of sentence.]

[(c)] When, at the time sentence is imposed, the defendant is imprisoned under a sentence imposed for any other offense or offenses, the instant sentence which the judge is imposing shall be deemed to commence from the date of imposition thereof unless the judge states that it shall commence from the date of expiration of such other sentence or sentences.]

Official Note: Adopted July 23, 1973, effective 90 days hence; amended March 21, 1975, effective March 31, 1975; amended November 7, 1996, effective January 1, 1997.

Comment

[Statutory authority for credit pursuant to paragraph (b) is found in Act of August 14, 1963, P. L. 841 §1, 19 P. S. § 898.

The 1975 amendment deleted the original second paragraph of this Rule, dealing with the simultaneous imposition of two or more sentences. This matter is now the subject of § 1357 of the Act of December 30, 1974, P. L. 1052, 18 Pa.C.S. § 1357.

For suspension of Acts of Assembly, see Rule 1415(c).]

In 1996, paragraph (a) was amended and paragraph (c) was deleted to eliminate language which created a presumption that certain sentences run concurrently unless the judge states otherwise. Paragraph (a) now requires the judge to state whether sentences run concurrently or consecutively. Paragraph (b) was deleted as unnecessary. The computation of sentences and credit for time served are governed by the Sentencing Code. See 42 Pa.C.S. §§ 9760 and 9761.

Committee Explanatory Reports:

Final Report explaining the November 7, 1996 amendments published with the Court's Order at 26 Pa.B. 5694 (November 23, 1996).

FINAL REPORT

*Amendments to Pa.R.Crim.P. 1406
(Imposition of Sentence)*

On November 7, 1996, effective January 1, 1997, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania adopted amendments to Rule 1406 (Imposition of Sentence: Computation and Service) which require that judges state in the sentencing order whether the sentence or sentences imposed run concurrently or consecutively, and eliminate the sentence presumptions created by the present rule.

I. *Summary of Amendments*

(a) Paragraph (a) has been amended:

(1) to eliminate language that creates a presumption that certain sentences run concurrently unless the judge states otherwise; and

(2) to add a requirement that when the sentencing judge is imposing more than one sentence at the same time, or imposing a sentence on a defendant incarcerated for another offense, the judge must state whether the sentences will run concurrently or consecutively.

(b) Paragraph (b) has been deleted because the computation of sentences and credit for time served is a substantive matter and, as such, should be governed by statute and case law. See 42 Pa.C.S. §§ 9760, 9761.

(c) Paragraph (c) has been deleted, because, like the language being deleted from paragraph (a), it creates a presumption on sentencing that should be left to statute and case law.

II. *Development of Original Proposal*

From its earliest stages, the Committee's development of the amendments to Rule 1406 reflected one underlying principle: the length of sentence which a judge intends to impose on a defendant is a substantive matter governed

by statute and case law, not a procedural matter to be governed by rule. This view is supported by the history of Rule 1406, which reveals that, because the rule was originally intended to restate holdings construing now-repealed statutes, much of the rule's language has been out of date for a long time. See, for example, *Commonwealth v. Pristas*, 295 A.2d 114, 117 (Pa. Super. 1972) (construing 19 P. S. § 894). But see *Commonwealth ex rel. Pitts v. Myers*, 175 A.2d 331 (Pa. Super. 1961) (under 19 P. S. § 894, presumption that sentences run concurrently has no application where sentences imposed by different courts are to be served in separate and distinct institutions). Furthermore, the case law has continued to wrestle with the rule's sentencing presumptions, raising questions about the precedential validity of earlier case law, and the intended scope of present Rule 1406. See *Commonwealth v. Lundberg*, 619 A.2d 1066 (Pa. Super. 1993), citing with approval *Commonwealth v. Pfeiffer*, 579 A.2d 897 (Pa. Super. 1990).

In view of the apparent confusion and the Committee's position that sentencing presumptions should be created by statute or case law, and not by rule, the Committee proposed amendments to Rule 1406 which deleted the sentencing presumptions contained in paragraphs (a) and (c). We also added a requirement that whenever more than one sentence is imposed at the same time on a defendant, or whenever a sentence is imposed on a defendant who is already sentenced for another offense, the judge must state whether the sentences run concurrently or consecutively.

III. Post-publication Additions to Proposal

Our post-publication review of the proposal resulted in further modification of the rule.

A. *Deletion of Paragraph (b)*. Paragraph (b) addressed when a sentence is deemed to "commence," and required the judge to state a "date of commitment." Paragraph (b) also required the clerk of courts to calculate the amount of credit that the defendant is due on a sentence, "as provided by law."

The Committee reexamined this paragraph in view of the realities of sentencing proceedings. Despite the Sentencing Code's requirement that information must be made available to judges on all outstanding charges and sentences in any court, 42 Pa.C.S. § 9737, judges and clerks of court often lack information about a defendant's total sentencing picture at the time of sentencing. Without knowledge of (1) the sentences currently being served; (2) the sentences which have been imposed but have not yet begun to run; and (3) any parole or probation detainers which may come into play, a judge simply cannot make an informed decision about what length of sentence to impose. For the same reason, the judge is incapable of specifying an accurate "date of commitment," and the clerk of courts cannot calculate credit for time served, as paragraph (b) required.

In keeping with the rationale behind the other proposed changes to Rule 1406, the Committee agreed that the computation of sentences and credit for time served are substantive issues which should not be solved by rule. See 42 Pa.C.S. §§ 9760, 9761. This view, in conjunction with our recognition that sentencing computations continue to be highly problematic, led us to reevaluate the efficacy of Rule 1406(b) and to conclude that it should be deleted altogether. As a corollary to this change, we also deleted the references to computation and service in the rule's title.

B. *Clarifying Change to Paragraph (a)*. Paragraph (a) addressed, in part, the circumstance in which "a sentence is imposed on a defendant who is *incarcerated* for another offense. . . ." Because a defendant can be incarcerated on charges without being sentenced, the paragraph has been clarified by substituting the word *sentenced* for the broader term *incarcerated*.

[Pa.B. Doc. No. 96-2002. Filed for public inspection November 22, 1996, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Amendment to Rule of Criminal Procedure 4007*(e)(2)

Order

And Now, this 6th day of November 1996, upon application of the Clerk of Courts of Bucks County, it is hereby Ordered and Decreed that Bucks County Rule of Criminal Procedure 4007*(e)(2) is amended as follows: When the conditions of the bail bond have been performed and the accused has been discharged from all obligations of the bail bond, the Clerk of Courts shall return the amount deposited less the balance to be retained by the Clerk of Courts as an administrator costs, which shall be **[twenty-five (\$25.00) dollars] seventy-five (\$75.00) dollars. If the amount deposited is less than seventy-five (\$75 dollars), the Clerk of Courts shall retain as administrator costs the amount deposited with no balance to be refunded.** The monies retained by the Court shall be considered as earned at the time the bail undertaking is executed. The retention fee withheld by the District Justice of the Peace or by the Clerk of Courts shall be for the use of the County and shall be received and accounted for by the Clerk of Courts. The retention fee withheld by the District Judge of the Peace shall be forwarded immediately to the Clerk of Courts upon receipt.

This Amendment shall be effective January 1, 1997.

By the Court

KENNETH G. BIEHN,
President Judge

[Pa.B. Doc. No. 96-1958. Filed for public inspection November 22, 1996, 9:00 a.m.]

MONROE COUNTY

Civil Rules—Custody and Divorce

Order

And Now, November 12th, 1996, the following Custody Rules of Civil Procedure are adopted to be effective thirty days from the date of publication in the *Pennsylvania Bulletin*. All local Custody Rules heretofore adopted are rescinded effective the same date.

The following Divorce Rules of Civil Procedure are amended to include new Local Divorce Rules.

By the Court

RONALD E. VICAN,
President Judge

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.1. Scope. Definitions.

(a) These rules shall govern all actions for custody, partial custody, and visitation, including original actions, petitions to modify decrees, contempt, habeas corpus proceedings, and registration of foreign decrees. These local rules shall be interpreted as supplementing the Pennsylvania Rules of Civil Procedure governing custody actions set forth at Pa.R.C.P. 1915.1 et seq.

(b)(1) As used in these Rules, unless the context of a Rule indicates otherwise, the definitions of action, custody, home county, legal custody, partial custody, person acting as parent, physical custody, shared custody and visitation shall have the same definition as provided in the Pennsylvania Rules of Civil Procedure 1915.1(b).

(2) The following are additional definitions:

“Custody Conciliator” shall mean an attorney who is duly licensed to practice law in the Commonwealth of Pennsylvania and is appointed by the Court to conduct conciliation conferences.

“Court” shall mean the Court of Common Pleas of Monroe County.

“Conciliation Conference” shall mean a pre-hearing/negotiation session conducted under the auspices of the Court by the custody conciliator.

“Hearing” shall mean a hearing before a judge of the Court of Common Pleas of Monroe County.

“Program” shall mean the mandatory Co-Parent Education Program.

“Provider” shall mean the provider of the Co-Parent Education Program.

Rule 1915.3. Commencement of Action.

(a) All complaints for custody, partial custody, visitation, modification of current orders, and motions for conciliation conferences shall be filed with the Prothonotary and, where not specifically reserved to the Court, shall be turned over to the custody conciliator who shall set the date, time and place for a conciliation conference. The Court shall then enter an Order for service upon the parties and counsel in accordance with Pa.R.C.P. 1930.4.

(b) If a custody claim is asserted in a divorce complaint, when either party desires a conference on the custody issue, he/she may file a Motion with the Prothonotary requesting a date and time for conference in accordance with these rules. This motion shall include the information set forth in Pa.R.C.P. 1915.15(a).

Rule 1915.3a. Custody Conciliation.

(a)(1) Authority of Conciliator—The Court shall appoint an attorney(s) who is duly licensed to practice law in the Commonwealth of Pennsylvania, as an official of the Court who may:

a. Conciliate custody cases filed with the Court which specifically includes meeting with the parties, counsel and the children, if appropriate;

b. Recommend appointment of counsel and/or guardian ad litem for the child(ren);

c. Recommend that home studies and/or other evaluations be conducted of the parties and/or the child(ren);

d. Recommend to the Court that interim or temporary orders be entered in appropriate cases;

e. Prepare agreed recommendations and orders for presentation to the Court.

(2) Scheduling of Conferences—All custody matters not specifically reserved to the Court shall be scheduled for a conference before the custody conciliator. All parties and counsel, if any, shall be present at the conference.

(3) Attendance—All parties shall be present at the conciliation conference. Failure of a party to appear at the conference may provide grounds for the entry of a temporary order. The conference shall commence at the designated time with or without counsel being present.

(4) Record—To facilitate the conciliation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties or anyone in attendance at the conference shall not be admissible as evidence in court. The custody conciliator shall not be a witness for or against any party nor shall there be any testimony taken at the conference. The custody conciliator shall not be subject to subpoena to force testimony regarding information revealed during the conciliation conference.

(5) Conciliation Procedure—The conciliator shall ascertain the issues in the action through review of the pleadings, discussion with counsel, the parties and the children, where necessary, in an attempt to narrow the issues and negotiate a consent agreement or stipulation. If the parties reach an agreement, it will be forwarded to the Court as a recommendation and proposed order for approval by the Court.

At the conclusion of a conference where the case remains contested on some or all of the issues, the conciliator shall prepare a recommendation for an interim order which shall be forwarded to the Court for approval.

Upon completion of all home studies and any other expert evaluations ordered, any party may petition the Court for a full evidentiary hearing. Every hearing will be preceded by a conciliation conference before the custody conciliator.

Rule 1915.15. Form of Complaint.

(a)(1) In addition to the information required by Pa.R.C.P. 1915.15, each complaint shall contain the following averments:

a. Plaintiff has been advised of the requirement to attend the Co-Parent Education Program and of the program description set forth following Local Rule 1930.

b. Defendant will be provided, along with the complaint, a copy of the Order requiring attendance at the Co-Parent Education Program set forth herein, a copy of an application for registration for the program and the program description set forth following Local Rule 1930.

(2) An affidavit of service for applicable actions shall include a statement that the Order requiring attendance, registration form and Program description were served with the applicable pleading.

(3) Counsel for the moving party must inform the moving party of his/her obligation to attend the Program in accordance with these rules. Further, Counsel must provide the moving party with the registration form and the Program description. The moving party, if unrepresented, must obtain the registration form and

Program description in the Prothonotary's Office, Monroe County Courthouse, Stroudsburg, Pennsylvania. The moving party must apply for the Program within fifteen (15) days after filing the complaint or pleading and must complete the Program within sixty (60) days of the filing of the applicable pleading. The responding party must make application within fifteen (15) days after he or she is served with the complaint or pleading and must complete the Program within sixty (60) days of the date of the Order directing him/her to attend.

(4) Any party who resides more than sixty (60) miles from Stroudsburg may contact the provider to make other arrangements to satisfy the attendance requirements.

(5) After a party completes the Program, the provider shall forward to the Prothonotary a Certificate of Completion, setting forth the name of the attendee and the docket number of the case, which certificate shall be filed of record.

(6) No final custody hearing shall be held, order granted or divorce decree entered where there are children under the age of eighteen (18) until all parties have attended and completed the Program. This requirement may be waived by the Court upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court.

(b) The order to be attached at the front of the complaint or motion for conciliation conference shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, (defendant respondent), have been sued in court to (OBTAIN) (MODIFY) custody, partial custody or visitation of the child(ren): _____ (Names and Ages) _____.

AND NOW, upon consideration of the attached Complaint (Motion), it is hereby ordered that the parties and their respective counsel appear before _____, Custody Conciliator, on the _____ day of _____, 19____, in the Conciliation Room, second floor, Monroe County Courthouse at _____ (a.m./p.m.) for a conciliation conference. At such conference an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following minor child(ren): _____

NOTE: Children under the age of eight (8) need not attend.

If you fail to appear as ordered or to bring with you the minor child(ren), an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

ALL PARTIES ARE FURTHER ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you to the conference the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

MONROE COUNTY COMMISSIONERS
ADMINISTRATIVE CENTER
2 QUAKER PLAZA
STROUDSBURG, PA 18360
(717) 420-3400

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled conference of hearing.

BY THE COURT:

Date: _____ J.

Rule 1920. Actions in Divorce or Annulment.

Rule 1920.1. Form of Complaint.

(1) In addition to the information required by Pa.R.C.P. 1920.12, each complaint in Divorce shall contain one of the following averments:

A. Plaintiff avers that there are no children of the parties under the age of eighteen (18).

B. Plaintiff avers that there are children of the parties under the age of eighteen (18), namely: (list names, ages and dates of birth).

(2) Any affidavit of service for applicable actions shall include a statement that the Order requiring attendance at the Program, a registration form, and a Program Description as set forth following Local Rule 1930 were served with the applicable pleading.

(3) At such time as a party completes the Program, the Provider shall file with the Prothonotary a Certificate of Completion, setting forth the name of the party and the docket number of the case, which certificate shall be filed of record.

(4) Each Divorce Complaint shall contain the following second cover sheet:

(Caption)

ORDER

You are ORDERED to attend a program entitled the Co-Parent Education Program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO

THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held, order entered or divorce decree granted where there are children under the age of eighteen (18) until all parties have attended the Program.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

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AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled conference of hearing.

BY THE COURT

Date: _____ J.

Rule 1930. Mandatory Co-Parent Education Program.

(1) In all divorce and custody proceedings filed on or after January 1, 1997, and in such other cases as the Court may direct, where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete a four hour program entitled "Co-Parent Education Program," referred to in these local rules as "Program." See Program description following this Rule.

(2) In all custody proceedings filed on or after January 1, 1997, each complaint or motion shall contain a cover sheet in accordance with Local Rule 1915.15.

(3) In all divorce proceedings filed on or after January 1, 1997, where the parties have minor child(ren), each complaint shall contain a second cover sheet in accordance with Local Rule 1920.1(4).

(4) The parties shall register for the Program using the registration form that will be served with the pleading and within the time allotted by the Order. The Custody Conciliator will establish the date and time for the Custody Conciliation Conference.

(5) The moving party shall serve with the applicable pleading, a copy of the Program registration form and description. The moving party shall also file an affidavit of service setting forth that these items have been served together with the applicable pleading.

(6) In both custody and divorce proceedings, every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete attendance shall be made to the Provider.

(7) The fee for the Program is \$25.00 per party and must be submitted with the registration form. Payment shall be made by certified check, money order or cash. NOTE: No personal checks will be accepted.

(8) No hearing or conference shall be held, order entered or divorce decree granted until all parties have attended and completed the Program, unless the requirement is waived by the Court for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court.

(9) Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

(10) Copies of this Rule, Program registration form and Program description shall be available in the Prothonotary's Office of the Court of Common Pleas of Monroe County.

[Pa.B. Doc. No. 96-1959. Filed for public inspection November 22, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 11 AND 13]

ID Cards; Sunday Sales; Advertising Displays

The Liquor Control Board (Board) deletes §§ 11.161—11.164 and amends §§ 11.171(b), 11.172(a)(4), 13.42 and 13.43 to read as set forth in Annex A.

Sections 11.161—11.164 are being deleted because section 495 of the Liquor Code (code) (47 P. S. § 495) provides for age identification cards.

The amendment to §§ 11.171(b) and 11.172(a)(4) (relating to statutory provisions; and application for Sunday sales permit) changes the 40% food and nonalcoholic beverage requirement for Sunday sales permits to 30% as set forth in sections 406 and 432(f) of the code (47 P. S. §§ 406 and 432(f)), as amended by Act 49 of 1996 (Act 49).

Sections 13.42 and 13.43 (relating to window and doorway display; and interior display) are amended to comply with section 493(20)(i) of the code (47 P. S. § 493(20)(i)), as amended by Act 49. These amendments will increase the maximum size of window and doorway brand advertising displays for licensees from 300 square inches to 600 square inches. The maximum cost of point of sale advertising has been increased to \$70 per single piece of advertising and \$140 total for any one brand.

Notice of proposed rulemaking is omitted under section 204(1) of the act of July 31, 1968 (CDL) (P. L. 769, No. 240) (45 P. S. § 1204(1)) since these regulatory amendments arise from the interpretation of a self-executing Act of Assembly, and further, are related to agency practice and procedure.

Fiscal Impact

These regulatory changes will impose no new costs upon licensees, the Board or the public.

Paperwork Requirements

These amendments will not impose additional paperwork requirements.

Statutory Authority

The authority for these amendments is section 207(i) of the code (47 P. S. § 2-207(i)).

Contact Person

Anyone requiring an explanation of these amendments or information related thereto, should contact Jerry Danyluk, Room 401, Northwest Office Building, Harrisburg, PA, 17124-0001.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on October 10, 1996, the Board submitted a copy of these amendments with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice. On the same date, the amendments 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, these amend-

ments were deemed approved by the House Liquor Control Committee on October 30, 1996, approved by the Senate Law and Justice Committee on October 25, 1996, and approved by IRRC on November 7, 1996.

Findings

The Board finds that:

(1) The notice of proposed rulemaking is omitted under the authority of section 204(1) of the CDL since these regulatory amendments arise from the interpretation of a self-executing Act of Assembly, and further relate to Board practice and procedure.

(2) The amendment of the Board's regulations in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Board, acting under the enabling statute orders that:

(a) The regulations of the Board, 40 Pa. Code Chapters 11 and 13, are amended by deleting §§ 11.161—11.164 and by amending §§ 11.171, 11.172, 13.42 and 13.43 to read as set forth in Annex A.

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

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

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

JOHN E. JONES, III,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5766 (November 23, 1996).)

Fiscal Note: 54-48. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 11. PURCHASES AND SALES

Subchapter H. (Reserved)

§§ 11.161—11.164. (Reserved).

Subchapter I. SALE OF ALCOHOLIC BEVERAGES ON SUNDAY

§ 11.171. Statutory provisions.

(a) Under sections 406 and 492(5) of the Liquor Code (47 P. S. §§ 4-406 and 4-492(5)), the sale of liquor and malt or brewed beverages by a licensee who qualifies under the act is authorized on Sunday between the hours of 11 a.m. and 2 a.m. Monday.

(b) Section 406 of the Liquor Code provides that hotel and certain restaurant licensees whose sales of food and nonalcoholic beverages equal 30% or more of the combined sales of both food and alcoholic beverages may sell beverages under the conditions described in subsection (a) upon the purchase of a special annual permit from the Board.

(c) Section 492(5) of the Liquor Code provides that hotel and eating place retail dispenser licensees may sell beverages under the conditions described in subsection (a) upon the purchase of a special annual permit from the Board.

§ 11.172. Application for Sunday sales permit.

(a) A licensee who wishes to make Sunday sales of alcoholic beverages shall file an application in the form as may be prescribed by the Board for a Sunday sales permit. The application for a Sunday sales permit shall contain the following:

- (1) The name and address of the licensee.
- (2) The address of the licensed premises.
- (3) The license number.

(4) A certification by a certified public accountant or public accountant that for a period of not less than 90-consecutive days during the 12 months immediately preceding the date of application, sales of food and nonalcoholic beverages by the applicant at the licensed premises were equal to or exceed 30% of the combined gross sale of both food and alcoholic beverages. The form of the certification shall be in a format as the Board may from time to time determine.

(b) The accuracy of the application shall be verified by affidavit of the applicant.

CHAPTER 13. PROMOTION

Subchapter A. ADVERTISING

§ 13.42. Window and doorway display.

(a) A licensee may not install or permit to be installed any electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for window and doorway display on the licensed premises until the licensee has submitted detailed information to the Board on Form PLCB-948, and obtained Board approval. The signs may not exceed 600 square inches in display area and shall carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign shall accompany the application form.

(b) When the approved sign is of maximum size, no background material may be used. When installing approved signs of smaller size, the combined area of the sign and background or decoration may not exceed the maximum area of 600 square inches.

(c) Brand name advertising matter may not be painted or affixed in a manner to the inside or outside of the glass in show windows or doorways of licensed establishments.

§ 13.43. Interior display.

(a) A licensee may not install or permit to be installed electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for interior display on the licensed premises until he has submitted detailed information to the Board on forms provided by the Board, and obtained Board approval. A single piece of advertising may not exceed a cost of \$70, and the signs shall carry a serial or model number permanently affixed to the display for identification purposes. A photograph or sketch of the display sign shall accompany the application form.

(b) When the approved sign, as described in subsection (a), is of maximum value no background material may be

used in conjunction with the installation. When the approved display piece is of less than the maximum value, the combined cost of the piece of advertising and background or decoration may not exceed \$70.

(c) Under the Liquor Code, the total cost of the point-of-sale advertising matter relating to any one brand may not exceed the sum of \$140.

(d) Signs or displays intended for use interchangeable in a window, doorway or in the interior shall meet the requirements for both maximum area, as provided in § 13.42 (relating to window and doorway display), and maximum value.

[Pa.B. Doc. No. 96-1960. Filed for public inspection November 22, 1996, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

[Correction]

Child Abuse Reporting Requirements

An error appeared in 49 Pa. Code § 33.1 (relating to definitions) as published at 26 Pa.B. 5410, 5413 (November 9, 1996). The correct version of § 33.1 appears in Annex A, with the ellipses referring to the existing text of the regulations.

Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL
STANDARDS**

PART I. DEPARTMENT OF STATE

**Subpart A. PROFESSIONAL AND OCCUPATIONAL
AFFAIRS**

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

* * * * *

Board regulated practitioner—A dentist, dental hygienist, expanded function dental assistant or auxiliary personnel.

* * * * *

Child abuse—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an immi-

ment risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare, which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

* * * * *

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

[Pa.B. Doc. No. 96-1880. Filed for public inspection November 8, 1996, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 61, 63 AND 69]

Fish Tournaments

The Fish and Boat Commission (Commission) by this order amends Chapters 53, 61, 63 and 69. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments deal with Commission property and fishing.

A. *Effective Date*

These amendments will go into effect on January 1, 1997.

B. *Contact Person*

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. *Statutory Authority*

The amendments are published under the statutory authority of sections 741 and 2102 of the code (relating to control of property; and rules and regulations).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations relating to tournaments. The specific purpose and background of these amendments are described in more detail under the summary of changes.

E. *Summary of Changes*

Under current regulations, fishing tournaments are subject to two permit requirements. Tournaments conducted using Commission access areas or property require a permit for special use of Commission property, and most other tournaments apply for and receive a special activities permit since they involve an unusual congregation of boats for a specific purpose.

In 1991, the Commission proposed to update its tournament regulations and published a notice of proposed rulemaking to seek comment on a comprehensive update. At the October 1991 meeting, the Commission, on an evenly divided vote, failed to approve the regulations as final rulemaking.

Based on input from interested sportsmen and the public, the staff was asked to revisit the subject of tournament regulations during 1994. Draft regulations were prepared and circulated to Commissioners and staff for comment. At the November joint meeting of the Commission's Committees on Fisheries and Law Enforcement, these draft regulations were discussed in considerable detail with representatives of various user groups, including groups that sponsor or participate in tournaments. In November, the Commission received a request from the American Bass Association of the Lake Erie Region to waive culling regulations for so-called catch-and-release tournaments. The Coalition of Concerned Pennsylvania Anglers issued a position statement on fishing tournaments expressing alarm at the number of tournaments within this Commonwealth and the manner in which some tournaments are conducted.

In light of this interest and the need for updated tournament regulations, the Commission published a notice of proposed rulemaking and sought public comment on a comprehensive update to tournament regulations. The proposed amendments were divided into two separate, but somewhat overlapping, provisions. One relates to use of Commission property and the other to general tournament regulations. Both sections list some of the factors to be considered in reviewing applications for tournament permits and describe possible permit conditions. These factors provide expanded scrutiny of tournament applications focusing on fisheries impacts and impacts on fishing and boating opportunities of both tournament and nontournament anglers and boaters.

Under the code, the entire control of Commission property is vested in the Commission, and the agency has broad discretion to regulate the use and protection of its property. The proposed amendments on use of Commission property included items that would not be applicable to general fishing regulations, such as regulation of parking and requirements to clean up and restore the site after the tournament.

Tournaments are an area of some controversy. Tournament anglers are vocal and organized. On the other hand, it is not uncommon for the Commission to receive complaints from anglers who have been unable to gain access to the water because of overcrowding or who are concerned about the impacts of increased fishing pressure caused by tournaments. The goal of the proposed amendments was to take a balanced approach to these divergent views. The proposed amendments were designed to give the Commission more flexibility in dealing with tournaments.

One of the more contentious issues related to tournament fishing relates to culling of fish. Under current regulations, culling is prohibited since a fish counts against the creel limit of the angler once it is reduced to possession by placing it in a livewell regardless of whether it is subsequently released. The tournament anglers insist that placing fish in carefully designed and operated aerated or recirculating livewells does not hurt the fish and that the fish may be returned to the waters from which taken without adverse impacts. Others object to culling as a use of the resource for competitive purposes. The proposed amendments sought public comment on a possible change to culling regulations. Under the proposal, a tournament could ask that its permit include a special provision permitting limited culling under carefully controlled circumstances involving use of aerated or recirculating temperature-controlled livewells.

A notice of proposed rulemaking containing the proposed revisions to tournament regulations was published at 26 Pa.B. 168 (January 13, 1996). Because of the interest in this subject, the notice provided for a 60-day public comment period and two public hearings. The Commission extended the public comment to March 29, 1996. The Commission received 181 written comments on the proposed tournament regulations. Most contained suggestions for changes to one or more provisions in the proposal with an emphasis on the proposed permit conditions. A few commentators continued to express concerns about tournaments. Public hearings were held on March 19, 1996, at Erie and March 21, 1996, at Harrisburg. The Erie hearing, which also took comments on proposed changes to bass regulations on Lake Erie, attracted 139 attendees, of whom 31 made comments. The Harrisburg hearing was attended by 89 individuals, of whom 30 made statements.

After the conclusion of the formal public comment period, the Commission staff asked a number of those who had submitted comments on all sides of the issue to participate in a tournament regulation workgroup to review the text and assist the staff in putting together recommendations to the Commission on changes to the proposed regulation on final rulemaking. The workgroup met in Harrisburg, on May 7, 1996. Its participants included leaders of some of the major tournament groups, as well as spokespersons for groups that have expressed concerns. The Governor's Sportsmen's Advisor, Vern Ross, two members of the Commission and several staff participated in a wide-ranging discussion of issues related to the proposed amendments. After the meeting, a revised draft was sent to all workgroup members for additional input, and the draft final regulations were discussed in detail at the meeting of the Commission's Fisheries Committee on June 21, 1996.

As a result of the public comment and the input received at the workgroup, the Commission made several changes to the proposed amendments on final rulemaking at its July 1996 meeting. The major changes include a new definition for "fishing derby," clarification of several of the possible permit conditions, clarification of the culling provision and other minor editorial changes. The tournament regulations adopted by the Commission at its July 1996 meeting appear to represent a consensus of many divergent viewpoints. There is not universal agreement on all provisions, particularly the provision allowing culling in limited circumstances. However, the amendment that the Commission adopted on final rulemaking represent the culmination of a process that started in 1991, and their adoption represents a major step forward in this area.

F. Paperwork

The amendments hereby adopted will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

As previously stated, a notice of proposed rulemaking containing the proposed amendments was published at 26 Pa.B. 168. Specifics relating to the public's involvement in the rulemaking process are set forth in detail under Section E of this Preamble.

Findings

The Commission finds that:

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

(2) A public comment period was provided and that all comments received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 61, 63 and 69, are amended by amending §§ 53.24, 61.1—61.4, 61.7, 63.40, 69.12 and 69.13 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

PETER A. COLANGELO,
Executive Director

(Editor's Note: For a document amending §§ 69.12(d) and 69.13(d) as proposed at 26 Pa.B. 2328 (May 18, 1996), see 26 Pa.B. 5711 (November 23, 1996).)

Fiscal Note: 48A-53. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 53. FISH AND BOAT COMMISSION PROPERTY

§ 53.24. Tournament and fishing derby permits.

(a) *Definitions.* The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Fishing tournament—An organized competitive fishing event, other than a fishing derby, where ten or more individuals fish during a specified time period. An activity that involves one or more of the following factors is considered a fishing tournament:

(i) The event is sponsored or promoted by an individual or organization.

(ii) The event involves the award of trophies, prizes or other recognition for participation in the tournament.

(iii) The event is conducted during a distinct time period (usually 72 hours or less) on a particular body of water.

Fishing derby—An organized event involving 10 or more participants conducted for children under the age of 16, senior citizens (as defined in section 2701 of the code (relating to definitions)), anglers with disabilities, special populations or other group when the principal purpose is education or enjoyment, rather than competition among anglers.

(b) *General.* The Commission finds that fishing tournaments and fishing derbies that use Commission property constitute special uses of that property which place special demands on Commission facilities.

(c) *Special activity permit for fishing tournaments.*

(1) *Special activity permit.* It is unlawful for a person to conduct a fishing tournament on a Commission lake or

using Commission access areas, without first obtaining a special activity permit from the Executive Director or a designee.

(2) *Content of application.* An application for a special activity permit for a fishing tournament shall contain the following information:

(i) The date, time and place.

(ii) The nature of the proposed tournament.

(iii) The anticipated number of participants, watercraft and vehicles that will use Commission property.

(iv) The proposed disposition of fish caught.

(v) The species and source of fish sought.

(vi) Whether or not the sponsor charges an entry fee.

(3) *Deadline for submission.* The deadline for submission of applications for special activity permits for fishing tournaments shall be as follows:

(i) For tournaments involving 50 or more boats, the application shall be submitted between October 1 and December 1 of the year prior to the year of the proposed tournaments.

(ii) For tournaments involving 49 or less boats or fishing from shore, the application shall be submitted at least 60 days prior to the date of the proposed tournament.

(iii) The Commission may consider applications submitted after the deadlines established in this section but final action may be delayed.

(4) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing tournaments on Commission property and will endeavor to issue or deny permits within 45 days after the receipt of the application. The factors to be reviewed include:

(A) Whether the proposed tournament at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the tournament.

(B) Whether the proposed tournament at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the tournament.

(C) Whether the proposed tournament is scheduled on the opening weekend of the season for any species of game fish.

(D) Whether the proposed tournament at the proposed time and location competes with another tournament already permitted for the same time and place. In the event of competing applications, a fishing tournament where fish are intended to be released alive shall be given preference over a fishing tournament where fish are intended to be killed or taken.

(E) Whether the proposed tournament at the proposed time and location may result in congestion of vehicles on Commission property or watercraft on the waters of this Commonwealth.

(F) Whether the sponsors of the proposed tournament have demonstrated their ability to conduct the tournament in accordance with the rules and regulations of the Commission and the conditions of the permit.

(ii) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a

fishing tournament, it will notify the applicant in writing of the denial and the reasons. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. The Executive Director will act on the request for reconsideration within 10 days of its receipt. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of staff).

(5) *Permit conditions.* The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Requirements for offsite parking when the number of vehicles involved in the proposed tournament exceeds the capacity of the parking facilities taking into account other permitted activities at the same time and place.

(ii) Limitations on the numbers of boats or participants in the tournament when the number of boats or participants involved in the proposed tournament exceeds the capacity of the facilities taking into account other permitted activities at the same time and place.

(iii) Limitations on the time or duration of the tournament when reasonably necessary and appropriate to provide for the protection of fish. The Commission may, for tournaments conducted during the months of July and August, include a condition limiting the duration of the tournament to no more than 10 hours of fishing.

(iv) Limitations on taking, catching, possessing and killing fish, including, when necessary for the protection and management of fish, requiring that the tournament be conducted as a catch-measure-and release or aerated livewell tournament.

(v) Requirements for the proper disposal of fish taken in the tournament. Tournament sponsors engaged in returning live fish to the waters of this Commonwealth after completion of a tournament may possess fish in excess of the daily possession limit if they carry the tournament permit and can document the catch of the individual tournament participants. The permit condition may provide that live fish will be distributed to the waters from which taken away from the ramp or access area where the weigh-in occurs.

(vi) When the applicant previously sponsored a tournament on Commission property and when, within 30 days after the prior tournament, the Commission provided written notice to the applicant that the site had not been cleaned up to the satisfaction of the Commission, the permit may include a requirement for the posting of a bond or security to guarantee that Commission property is restored to its prior condition.

(vii) Requirements for filing of catch reports within 30 days after completion of the tournament.

(viii) Requirements for locating weigh-in stations and prize awarding events at locations that will not interfere with other public use of Commission facilities.

(ix) Upon request of an applicant for a tournament permit, the Commission may include a condition providing that one or more uninjured largemouth bass, smallmouth bass or spotted bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit if the fish is caught during a tournament that as part of its rules penalizes the return of any dead or distressed bass to the water, establishes a daily limit of at least one fish less than the Statewide creel limit, requires use of recirculating or aerated

temperature-controlled livewells, distributes to the contestants instructions on the proper maintenance and use of livewells and limits the fishing hours to no more than 9 hours per day. This permit condition will be included only in circumstances when the Commission finds that permitting culling will have no substantial adverse impacts on the protection and management of fish.

(d) *Special activity permit for fishing derbies on Commission property.*

(1) It is unlawful for a person to conduct a fishing derby on a Commission lake or using Commission access areas, without first obtaining a special activity permit from the Executive Director or a designee.

(2) An applicant for a special activity permit for a fishing derby shall apply at least 60 days before the date of the proposed derby and indicate the following:

(i) The date, time and place.

(ii) The nature of the proposed derby.

(iii) The anticipated number of participants, watercraft and vehicles that will use Commission property.

(iv) The proposed disposition of fish caught.

(v) The species and source of fish sought.

(vi) Whether or not the sponsor charges an entry fee.

(3) The Commission staff will review applications for special activity permits to conduct fishing derbies on Commission property and will endeavor to issue or deny permits within 45 days after the receipt of the application. The factors to be reviewed include:

(i) Whether the proposed derby at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the derby.

(ii) Whether the proposed derby at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the derby.

(iii) Whether the proposed derby is scheduled on the opening weekend of the season for any species of game fish.

(iv) Whether the proposed derby at the proposed time and location competes with another derby or fishing tournament already permitted for the same time and place.

(v) Whether the proposed derby at the proposed time and location may result in congestion of vehicles on Commission property or watercraft on the waters of this Commonwealth.

(vi) Whether the sponsors of the proposed derby have demonstrated their ability to conduct the derby in accordance with this title and the conditions of the permit.

(4) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a fishing derby, it will notify the applicant in writing of the denial and the reasons. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. The Executive Director will act on the request for reconsideration within 10 days of its receipt. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of staff).

(5) The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Requirements for offsite parking when the number of vehicles involved in the proposed derby exceeds the capacity of the parking facilities taking into account other permitted uses of the site at the same time.

(ii) Limitations on the numbers of boats or participants in the derby when the number of boats or participants involved in the proposed derby exceed the capacity of the facilities taking into account other permitted uses of the facility at the same time.

(iii) Limitations on the time or duration of the derby, if reasonably necessary and appropriate to provide for the protection of fish.

(iv) Limitations on taking, catching, possessing and killing fish.

(v) Requirements for the proper disposal of fish taken in the derby. Derby sponsors engaged in returning live fish to the waters of this Commonwealth after completion of a derby may possess fish in excess of the daily possession limit if they carry the derby permit and can document the catch of the individual derby participants. The permit condition may provide that live fish will be distributed to the waters from which taken away from the ramp or access area where the weigh-in occurs.

(vi) Clean-up requirements. When the applicant previously sponsored a derby on Commission property and when, within 30 days after the prior derby, the Commission provided written notice to the applicant that the site had not been cleaned up to the satisfaction of the Commission, the permit may include a requirement for the posting of a bond or security to guarantee that Commission property is restored to its prior condition.

(vii) Requirements for locating prize awarding events at locations that will not interfere with other public use of Commission facilities.

(e) *Prohibited acts.* It is unlawful to conduct a fishing tournament or fishing derby on Commission owned or controlled property except in compliance with permit conditions. It is unlawful to conduct a tournament or fishing derby on Commission owned or controlled property on the opening day for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with other fishing and boating activities and the Commission issues a special activity permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference. It is unlawful to conduct or participate in a fishing tournament or fishing derby involving the catch or attempted catch of a particular species of fish during the closed season for that species.

(f) *Joint permit.* An application for a special activity permit under this section shall also constitute an application for a special activity permit for a fishing tournament under § 63.40 (relating to seasons for fishing tournaments), and a permit issued under this section shall constitute a joint permit for use of Commission property and for a fishing tournament under § 63.40.

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

(a) It is unlawful to take, catch, kill or possess fish except during the seasons specified in this section. It is

not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) Any fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40, a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

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§ 61.2. Delaware River and River Estuary.

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which it was taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

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§ 61.3. Pymatuning Reservoir.

(a) It is unlawful to take, catch, kill or possess a fish of less than the minimum size specified in this section. However, it may not be a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess (while in the act of fishing) more than the limit allowed.

* * * * *

§ 61.4. Conowingo Reservoir.

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. However, it is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. However, it is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournament and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither donor nor recipient may kill or possess (while in the act of fishing) more than the limit allowed.

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§ 61.7. Susquehanna River and tributaries.

(a) It is unlawful to take, catch, kill or possess fish except during the seasons specified in this section. However, it is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess a fish of less than the minimum size specified in this section. However, it is not a violation of this section if an

undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

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CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.40. Fishing tournaments and fishing derbies.

(a) *Definitions.* The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Fishing tournament—An organized competitive fishing event, other than a fishing derby, where ten or more individuals fish during a specified time period. An activity that involves one or more of the following factors is considered a fishing tournament:

- (i) The event is sponsored or promoted by an individual or organization.
- (ii) The event involves the award of trophies, prizes or other recognition for participation in the tournament.
- (iii) The event is conducted during a distinct time period (usually 72 hours or less) on a particular body of water.

Fishing derby—An organized event involving 10 or more participants conducted for children under the age of 16, senior citizens (as defined in section 2701 of the code (relating to definitions)), anglers with disabilities, special populations or other group when the principal purpose is education or enjoyment, rather than competition among anglers.

(b) *Permits.* It is unlawful to conduct a fishing tournament on Commonwealth waters without obtaining a special activity permit under this section.

(1) *Content of application.* An application for a special activity permit for a fishing tournament shall contain the following information:

- (i) The date, time and place.
- (ii) The nature of the proposed tournament.
- (iii) The anticipated number of participants and watercraft.
- (iv) The proposed disposition of fish caught.
- (v) The species and source of fish sought.
- (vi) Whether or not the sponsor charges an entry fee.

(2) *Deadline for submission.* The deadline for submission of applications for special activity permits for fishing tournaments shall be as follows:

- (i) For tournaments involving 50 or more boats, the application shall be submitted after October 1 and before December 1 of the year prior to the year of the proposed tournaments.
- (ii) For tournaments involving 49 or less boats or fishing from shore, the application shall be submitted at least 60 days prior to the date of the proposed tournament.
- (iii) The Commission may consider applications for tournaments submitted after the deadlines established by this section.

(3) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing tournaments on Commonwealth waters and will endeavor to issue or deny permits within 45 days after the receipt of the application. The factors to be reviewed include:

- (A) Whether the proposed tournament at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the tournament.
- (B) Whether the proposed tournament at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the tournament.
- (C) Whether the proposed tournament is scheduled on the opening weekend of the season for any species of game fish.
- (D) Whether the proposed tournament at the proposed time and location competes with another tournament already permitted for the same time and place. In the event of competing applications, a fishing tournament where fish are intended to be released alive shall be given preference over a fishing tournament where fish are intended to be killed or taken.
- (E) Whether the proposed tournament at the proposed time and location may result in congestion of watercraft on the waters of this Commonwealth.
- (F) Whether the sponsors of the proposed tournament have demonstrated their ability to conduct the tournament in accordance with this title and the conditions of the permit.

(ii) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a fishing tournament, it will notify the applicant in writing

of the denial and the reasons. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. The Executive Director will act on the request for reconsideration within 10 days of its receipt. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of staff).

(4) *Permit conditions.* The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Limitations on the numbers of boats or participants in the tournament when the number of boats or participants involved in the proposed tournament exceeds the capacity of the waters being fished taking into account other permitted activities at the same time and place.

(ii) Limitations on the time or duration of the tournament. When reasonably necessary and appropriate to provide for protection of fish, the Commission may, for tournaments conducted during the months of July and August, include a condition limiting the duration of the tournament to no more than 10 hours of fishing.

(iii) Limitations on taking, catching, possessing and killing fish, including, when necessary for the protection and management of fish, requiring that the tournament be conducted as a catch-measure-and release or aerated livewell tournament.

(iv) Requirements for the proper disposal of fish taken in the tournament. Tournament sponsors engaged in returning live fish to the waters of this Commonwealth after completion of a tournament may possess fish in excess of the daily possession limit if they carry the tournament permit and can document the catch of the individual tournament participants. The permit condition may provide that live fish will be distributed to the waters from which taken away from the ramp or access area where the weigh-in occurs.

(v) Requirements for filing of catch reports within 30 days after completion of the tournament.

(vi) Upon request of an applicant for a tournament permit, the Commission may include a condition providing that one or more uninjured largemouth bass, smallmouth bass or spotted bass that an angler is landing, measuring or in the process of releasing from a recirculated or aerated livewell will not be considered as part of the daily creel limit if the fish is caught during a tournament that as part of its rules penalizes the return of any dead or distressed bass to the water, establishes a daily limit of at least one fish less than the Statewide creel limit, requires use of recirculating or aerated temperature-controlled livewells, distributes to the contestants instructions on the proper maintenance and use of livewells and limits the fishing hours to no more than 9 hours per day. This permit condition will be included only in circumstances when the Commission finds that permitting culling will have no substantial adverse impacts on the protection and management of fish.

(c) *Fishing derbies.*

(1) *General rule.* It is unlawful to conduct a fishing derby as defined in this section on Commonwealth waters if the derby involves an unusual congregation of boats without first obtaining a special activity permit from the Commission.

(2) *Special activity permit.* An applicant for a special activity permit for a fishing derby shall apply at least 60 days before the date of the proposed derby and indicate the following:

(i) The date, time and place.

(ii) The nature of the proposed derby.

(iii) The anticipated number of participants and watercraft.

(iv) The proposed disposition of fish caught.

(v) The species and source of fish sought.

(3) *Review of applications.*

(i) The Commission staff will review applications for special activity permits to conduct fishing derbies and will endeavor to issue or deny permits within 45 days after the receipt of the application. The factors to be reviewed include:

(A) Whether the proposed derby at the proposed time and location will have adverse impacts on the protection and management of fish in the waters to be fished in connection with the derby.

(B) Whether the proposed derby at the proposed time and location will impede or reduce fishing and boating opportunities for members of the angling and boating public who are not participants in the derby.

(C) Whether the proposed derby is scheduled on the opening weekend of the season for any species of game fish.

(D) Whether the proposed derby at the proposed time and location competes with another derby or fishing tournament already permitted for the same time and place.

(E) Whether the proposed derby at the proposed time and location may result in unsafe congestion of watercraft on the waters of this Commonwealth.

(F) Whether the sponsors of the proposed derby have demonstrated their ability to conduct the derby in accordance with this title and the conditions of the permit.

(ii) If the Bureau of Law Enforcement determines to deny the application for the special activity permit for a fishing derby, it will notify the applicant in writing of the denial and the reasons. The applicant may, within 10 days of notification, request the Executive Director to reconsider the denial of the permit. The Executive Director will act on the request for reconsideration within 10 days of its receipt. If the Executive Director denies the permit after reconsideration, the applicant may appeal to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of staff).

(4) *Permit conditions.* The Bureau of Law Enforcement may impose conditions in connection with the issuance of a permit under this section. The conditions may include:

(i) Limitations on the numbers of boats or participants in the derby when the number of boats or participants involved in the proposed derby exceeds the capacity of the waters to be fished taking into account other permitted uses of the facility at the same time.

(ii) Limitations on the time or duration of the derby, when reasonably necessary and appropriate to provide for the protection of fish.

(iii) Limitations on taking, catching, possessing and killing fish.

(iv) Requirements for the proper disposal of fish taken in the derby. Derby sponsors engaged in returning live fish to the waters of this Commonwealth after completion of a derby may possess fish in excess of the daily possession limit if they carry the derby permit and can

document the catch of the individual derby participants. The permit condition may provide that live fish will be distributed to the waters from which taken away from the ramp or access area where the weigh-in occurs.

(5) *Notification required.* It is unlawful to conduct a fishing derby, as defined in this section, on approved trout waters without first notifying the Commission of the date, time and place of the proposed fishing derby and whether the proposed fishing derby involves the stocking of any fish into the waters of this Commonwealth.

(d) *Prohibited acts.* It is unlawful to conduct a fishing tournament or fishing derby on Commonwealth waters except in compliance with permit conditions. It is unlawful to conduct a tournament or fishing derby on Commonwealth waters on the opening day for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with other fishing and boating activities and the Commission issues a special activity permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference. It is unlawful to conduct or participate in a fishing tournament or fishing derby involving the catch or attempted catch of a particular species of fish during the closed season for that species.

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournament and fishing der-

bies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

* * * * *

§ 69.13. Seasons, sizes and creel limits—Lake Erie tributaries.

(a) It is unlawful to take, catch, kill or possess fish except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from waters where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournament and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

* * * * *

[Pa.B. Doc. No. 96-1961. Filed for public inspection November 22, 1996, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 53, 91, 107 AND 111]
Commission Property; Boating

The Fish and Boat Commission (Commission) by this order amends Chapters 53, 91, 107 and 111. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments deal with Commission property and boating.

A. Effective Date

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

B. Contact Person

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

The amendments are published under the statutory authority of sections 741, 5123 and 5124 of the code (relating to control of property; general boating regulations; and particular areas of water).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations on Commission property and boating. The specific purpose of the various amendments is described in more detail under Section E of this Preamble.

E. Summary of Changes

A review of the Commission's property regulations and boating regulations uncovered several sections that required minor word changes or correction. The Commission therefore adopted amendments that:

(a) Change the specific restriction relating to Lettermenny Reservoir, Franklin County from hand powered boating only to electric motors only, § 53.13(c) (relating to domestic water supply reservoirs).

(b) Clarify the age of those individuals who may not operate a motorboat propelled by a motor of greater than 10 horsepower without obtaining a Boating Safety Certificate, unless there is at least one other person in the boat 16 years of age or older, § 91.4(b) (relating to age of operator).

(c) Clarify that law enforcement boats may violate certain boating restrictions when necessary in the performance of their official duties, § 107.8(b) (relating to vessels permitted on restricted waters).

(d) Clarify that no more than one waterskier may be towed behind a boat on Blue Marsh Lake, Berks County, § 111.6(a)(3) (relating to Berks County).

(e) Delete the provision prohibiting the operation of boats powered by internal combustion motors at Mussers Dam, Snyder County because the dam no longer exists, § 111.55(a) (relating to Snyder County).

(f) Delete the provision prohibiting the operation of boats powered by internal combustion motors on Reinings Pond, Wayne County because the pond no longer exists, § 111.64(g) (relating to Wayne County).

(g) Clarify that no more than two waterskiers may be towed behind a boat on Lake Winola, Wyoming County, § 111.66(b)(1) (relating to Wyoming County).

On final rulemaking, the Commission clarified that the Boating Safety Certificate referred to in § 91.4(b) is one that is issued or recognized by the Commonwealth.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendments was published at 26 Pa.B. 2709 (June 8, 1996). None of the proposed changes attracted public comment.

Findings

The Commission finds that:

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

(2) A public comment period was provided and that all comments received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 91, 107 and 111, are amended by amending §§ 53.13, 107.8, 111.6, 111.55, 111.64 and 111.66 to read as set at 26 Pa.B. 2709 and by amending § 91.4 to read as set forth at Annex A.

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

(c) The Executive Director will 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*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-55. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.4. Age of operator.

(a) A person 11 years of age or younger may not operate a motorboat propelled by a motor greater than 10 horsepower unless at least one person 16 years of age or older is present on the watercraft.

(b) A person 12 through 15 years of age may not operate a motorboat propelled by a motor of greater than 10 horsepower without obtaining a Boating Safety Certificate issued or recognized by the Commonwealth, unless there is at least one other person in the boat 16 years of age or older.

[Pa.B. Doc. No. 96-1962. Filed for public inspection November 22, 1996, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 69 AND 111]
Fishing and Boating

The Fish and Boat Commission (Commission) by this order amends Chapters 69 and 111 (relating to fishing in Lake Erie and boundary lakes; and special regulations counties). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments deal with fishing and boating.

A. Effective Date

These amendments will take effect on January 1, 1997.

B. Contact Person

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

The amendments are published under the statutory authority of sections 2102 and 5124 of the code (relating to rules and regulations; and particular areas of water).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations on fishing and boating. The specific purpose for the various amendments is described in more detail under Section E of this Preamble.

E. Summary of Changes

(a) *Seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries, §§ 69.12 and 69.13 (relating to seasons, sizes and creel limits—Lake Erie; and seasons, sizes and creel limits—Lake Erie tributaries).* The Commission has amended its regulations to change bass size to a minimum of 20" and the daily creel to one from the first Saturday after April 11 through midnight Friday preceding the first Saturday after June 11. The amendments also prohibit bass tournaments during the trophy bass season on Lake Erie and Presque Isle Bay.

(b) *Bucks County, Delaware River, § 111.9(e) (relating to Bucks County).* The New Hope Borough Council and the Solebury Township Supervisors joined forces to request that several slow, minimum height swell speed zones be created on the Delaware River in their respective municipalities. At its July 1995 meeting, the Commission accepted the petition and ordered the publication of a notice of proposed rulemaking to establish slow no wake zones under three Delaware River bridges and a 3,000 foot area near Lumberville. At the same time, staff was directed to investigate and prepare a report on the proposed no wake zone at New Hope Borough. Although there is little in the record that would indicate that the safety of boat operators is inordinately compromised in this area by high speed operation, the character of this

historic community deserves consideration. The Delaware River is not a large water body. Boating has traditionally amounted to unpowered and small fishing boats. The influx of personal watercraft and other modified outboard driven boats and the resultant noise and congestion has raised the ire of community residents who are finding lifestyles adversely changed. It was therefore proposed that an additional slow, minimum height swell speed zone be established from the Lambertville wing-dam to the New Hope Lambertville Bridge. The Boating Advisory Board (Board) discussed this item at its January 1996 meeting. The Board recommended approval with one change. The Board recommended that the proposed slow, minimum height swell speed zone be effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day. The Commission approved the publication of a notice of proposed rulemaking containing this change, and the Commission received considerable public comment. After consideration of the staff recommendation and public comments, the Commission unanimously voted at its July 1996 meeting to table this item for further review and discussion.

(c) *Luzerne County, Harveys Lake, § 111.40(f) (relating to Luzerne County).* The Pennsylvania Marine Trades Association submitted a petition asserting that the current regulations establishing a nighttime speed limit on Harveys Lake unnecessarily restrict the use of their boats and waterways and infringes upon their rights as free and responsible citizens. At its July 1995 meeting, the Commission accepted this petition and directed staff to prepare a report and make recommendations relative to the continuation of these regulations. Staff reviewed the record concerning Harveys Lake and recommended that the operation of boats during nighttime hours at slow, minimum height swell speed be replaced with a speed limit of 25 miles per hour. The Board reviewed this proposal at its January 1996 meeting and recommended approval. The Commission approved the publication of a notice of proposed rulemaking containing this amendment, and the Commission received considerable public comment. After consideration of the public comments, staff recommended at the Commission's July 1996 meeting that the Commission not approve this change. The Commission unanimously accepted the staff recommendation to leave this section unchanged.

(d) *Susquehanna County, Laurel Lake, § 111.58(d) (relating to Susquehanna County).* The Laurel Lake Association, Inc. Boating Committee petitioned the Commission to reconsider the current 60 hp restriction on Laurel Lake, Susquehanna County. The petitioners cited the size of the lake (22 acres), more stringent restrictions on lakes of similar size, environmental concerns regarding the use of gasoline motors on such a small lake, the lack of enforcement by the Commission of current restrictions, and interference with other uses of the lake caused by high speed operation of motorboats as valid reasons for the reconsideration. The Commission accepted the petition for further review at its July 1995 meeting and directed staff to prepare a report with recommendations for further action. After considering the use of Laurel Lake and its physical constraints, staff recommend that additional restrictions on the operation of boats on this lake may be appropriate. The Board reviewed the report and staff recommendations at its January 1996 meeting. The Board voted to recommend that the Commission consider an alternative regulation. The Commission's Boating Committee then recommended that the Commission not approve the staff and Board recommendations. The Commission therefore approved the publication of a

notice of proposed rulemaking, amending this regulation to ban the operation of personal watercraft on Laurel Lake. After consideration of the public comments, the Commission approved this amendment on final rulemaking at its July 1996 meeting.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendments was published at 26 Pa.B. 2328 (May 18, 1996). The four items attracted public comment before, during and after the public comment period.

At a public hearing on March 19, 1996, in Erie, the Commission also took comments on proposed changes to the bass and tournament regulations. Of the 31 individuals who commented at the hearing, 14 spoke regarding the bass regulation changes. The majority of the commentators (7 out of 14) were in favor of the changes; 2 were generally in favor of an open season—no harvest, catch and release during the spring; and 5 were opposed to the amendments. At the hearing, 13 written comments also were submitted. The majority of the written comments (8 out of 13) were generally in favor of an open season for bass on Lake Erie and Presque Isle Bay; 3 favored the change; and 2 opposed. In addition, the Commission received 8 letters, 7 in favor of the proposed amendments and 1 opposed.

Regarding the proposed change to § 111.9(e), Bucks County, Delaware River, the Commission received 16 letters, opposing the classification of this area of the river as a no wake zone. The Commission also received petitions with the signatures of 155 individuals who are opposed to the change. The Commission did not receive any comments in favor of the proposed amendment during the public comment period. However, it did receive a few inquiries about the proposal prior to the public comment period. Additional comments, including petitions, were received after the public comment period and were considered by the Commission.

The Commission received 14 public comments relating to the proposed change to § 111.40(f). Citing safety as their primary concern, the majority of the commentators (11 out of 14) is opposed to the change. The Commission received and considered additional comments after the public comment period.

With respect to the change to § 111.58(d), the Commission received 43 letters from individuals, all of whom are opposed to the current 60 hp restriction and would like the Commission to reconsider its prior decision. The commentators who addressed the issue, however, favored the proposed ban on the operation of personal watercraft. Additional comments were received and considered after the public comment period.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45

P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and that all comments received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 69 and 111, are amended by amending §§ 69.12, 69.13 and 111.58 to read as set forth at 26 Pa.B. 2328 (May 18, 1996).

(b) The Executive Director will submit this order and 26 Pa.B. 2328 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 26 Pa.B. 2328 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect January 1, 1997.

PETER A. COLANGELO,
Executive Director

(Editor's Note: The proposal to amend §§ 111.9 and 111.40, included in the proposal at 26 Pa.B. 2328, has been withdrawn by the Commission. See 26 Pa.B. 5701 (November 23, 1996) for additional amendments to §§ 69.12 and 69.13.)

Fiscal Note: 48A-54. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-1963. Filed for public inspection November 22, 1996, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 869]

Pennsylvania Lottery 25th Anniversary TV Game Show

The Department of Revenue (Department), under the authority in section 6 of the State Lottery Law (act) (72 P. S. § 3761-6), by this notice of proposed rulemaking omitted, adopts Chapter 869 (relating to Pennsylvania Lottery 25th Anniversary TV Game Show). Chapter 869 establishes and details the method of entry, the selection of contestants and alternates, and the requirements of contestants, proxies and stand-ins for the Pennsylvania Lottery 25th Anniversary TV Game Show.

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department, under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. § 1204) and the regulation thereunder, 1 Pa. Code § 7.4, finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the proposed rulemaking omitted process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and

successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the proposed rule-making omitted process as evidenced by the approval of these regulations in the past.

The Pennsylvania Lottery 25th Anniversary TV Game Show is being held to commemorate the 25th anniversary of the Pennsylvania Lottery and will conclude a year long celebration. The Pennsylvania Lottery 25th Anniversary TV Game Show will be telecast on Saturday, March 8, 1997, on channels throughout this Commonwealth that normally carry the nightly Pennsylvania Lottery drawings.

With the purchase of five Wild Card Lotto tickets in a single transaction between January 1, 1997, and January 31, 1997, a player will receive one Pennsylvania Lottery 25th Anniversary TV Game Show entry coupon. These entry coupons, when properly completed, signed and returned to the Lottery by the player in accordance with the § 869.4 (relating to how to enter), are valid Pennsylvania Lottery 25th Anniversary TV Game Show drawing entries for a chance to be selected to be on the show, or to be eligible for additional prizes. Entry coupons for the Pennsylvania Lottery 25th Anniversary TV Game Show must be received at Lottery Headquarters no later than February 10, 1997.

In accordance with § 869.5 (relating to Pennsylvania Lottery 25th Anniversary TV Game Show preliminary drawing), the Lottery will conduct a preliminary drawing to select the pool of entries from which the drawing to select the studio contestants will be made. The odds of being selected in the preliminary drawing are dependent upon the number of entries received. Section 869.7 (relating to selection of studio contestants) provides that the Lottery will select from the entries that had been selected in the preliminary drawing 25 studio contestants for the Pennsylvania Lottery 25th Anniversary TV Game Show.

Section 869.8 (relating to studio contestants) provides that the 25 studio contestants selected to participate in the show will each receive a prize of \$2,500 and one night's hotel accommodations during the taping of the show. Two of the 25 studio contestants will be selected at the show taping to be game contestants for additional prizes. Additional prizes may be awarded to one or more remaining studio contestants.

Section 869.9 (relating to description of the Pennsylvania Lottery 25th Anniversary TV Game Show) provides that the Pennsylvania Lottery 25th Anniversary TV Game Show shall consist of at least two main games. Each main game is played by a single contestant, who is chosen randomly from the 25 studio contestants in an authorized manner as prescribed by the Secretary. The main games currently available are Grand Prix and Vortex.

Fiscal Impact

The Department has determined that the regulations will have no significant adverse fiscal impact on the Commonwealth and that the game described by the regulations will produce an undetermined net revenue.

Paperwork

The regulations will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The regulations will become effective upon publication in the *Pennsylvania Bulletin*. These regulations are scheduled for review within 5 years of publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the regulations is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Statutory Authority

The regulations are promulgated under section 3761-6 of the act. Section 3761-6(a) of the act specifically provides the Secretary of the Department with the power and duty to promulgate rules and regulations governing the establishment and operation of the lottery.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on October 16, 1996, the Department submitted a copy of the regulations with proposed rule-making omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. 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 November 5, 1996, and were deemed approved by the Senate Committee on November 5, 1996. IRRC met on November 7, 1996, and approved the regulations.

Findings

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rule-making procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable because of the time constraints associated with the establishment, operation and administration of lottery games.

Order

Acting under the authorizing statute, the Department orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 869.1—869.15 to read as set forth in Annex A.

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

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

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

ROBERT A. JUDGE, Sr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5766 (November 23, 1996).)

Fiscal Note: 15-378. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART V. STATE LOTTERIES

CHAPTER 869. PENNSYLVANIA LOTTERY 25TH ANNIVERSARY TV GAME SHOW

Sec.	Purpose.
869.1.	Definitions.
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869.4.	Pennsylvania Lottery 25th Anniversary TV Game Show preliminary drawing.
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869.7.	Studio contestants.
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869.9.	Withholding.
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§ 869.1. Purpose.

This chapter establishes the Pennsylvania Lottery 25th Anniversary TV Game Show, and sets forth the method of entry, the selection of contestants and alternates, and the requirements of contestants, proxies and stand-ins for the game show.

§ 869.2. Definitions.

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

Entry—A properly-completed Pennsylvania Lottery 25th Anniversary TV Game Show entry coupon received by the Lottery in accordance with § 869.4 (relating to how to enter).

Game contestant—An individual randomly selected by the Lottery from the 25 studio contestants to participate in the games played during the Pennsylvania Lottery 25th Anniversary TV Game Show.

On-line retailer—A person who is properly authorized by the Lottery to sell on-line tickets.

Stand-in—An individual appointed by the Lottery to act on behalf of a studio contestant if, at the designated time of the taping of the Pennsylvania Lottery 25th Anniversary TV Game Show, the contestant or the contestant's designated proxy does not participate in the show.

Studio contestant—One of the 25 individuals randomly selected by the Lottery from the pool of potential contestants, who has the right to appear in the studio audience during the taping of the Pennsylvania Lottery 25th Anniversary TV Game Show, in person or by proxy, and is eligible to be selected to participate on stage during the show as a game contestant.

§ 869.3. How to obtain an entry.

(a) If a lottery player purchases five Wild Card Lotto tickets in a single transaction, during the period beginning January 1, 1997, and ending January 31, 1997, Pennsylvania State Lottery on-line terminals will automatically print one Pennsylvania Lottery 25th Anniversary TV Game Show entry coupon for that player.

(b) An on-line entry coupon, when properly completed, signed and returned to the Lottery by the player in accordance with § 869.4 (relating to how to enter), is a valid Pennsylvania Lottery 25th Anniversary TV Game

Show drawing entry for a chance to be selected to be a studio contestant or to be eligible for additional prizes.

§ 869.4. How to enter.

(a) To be eligible to be selected to be a studio contestant and to be eligible for other prizes, a player shall mail a completed entry coupon in a Pennsylvania Lottery 25th Anniversary TV Game Show envelope or an envelope no larger than 3 5/8 x 6 1/2 inches addressed to 25th Anniversary Game Show Entry, Pennsylvania Lottery, P. O. Box 999, Middletown, Pennsylvania, 17057-0999. Pennsylvania Lottery 25th Anniversary TV Game Show envelopes will be available at any on-line retailer while supplies last.

(b) Entry coupons received in envelopes larger than 3 5/8 x 6 1/2 inches will be disqualified.

(c) The player's name, street address, city, state, zip code and daytime telephone number shall be printed clearly on the designated lines on the entry coupon. The player shall sign the entry coupon on the line designated for signature. Incomplete entry coupons will be disqualified.

(d) Participants shall be at least 18 years of age or older. If the person whose name appears on the entry coupon is under 18 years of age, the entry coupon will be disqualified.

(e) Only one name per entry coupon may be used. If more than one name appears on an entry coupon, the entry coupon will be disqualified.

(f) Participants may enter as many times as they wish, but each envelope may contain only one entry coupon. If an envelope contains multiple entry coupons, all entry coupons within the envelope shall be disqualified.

(g) An entry coupon will be disqualified if any part of the entry coupon is illegible or if the entry coupon is duplicated.

(h) Only valid entries are eligible for the Pennsylvania Lottery 25th Anniversary TV Game Show Drawing.

(i) Winning lottery tickets submitted for payment in a Pennsylvania Lottery 25th Anniversary TV Game Show envelope or to the Pennsylvania Lottery 25th Anniversary TV Game Show address will not be paid or honored. Winning lottery tickets shall be submitted for payment in accordance with the game regulations for that game.

(j) Entry coupons for the Pennsylvania Lottery 25th Anniversary TV Game Show shall be received at Lottery Headquarters by February 10, 1997.

(k) As entry envelopes are received, they will be placed in numbered containers. These numbered containers will be stored in a secure area.

§ 869.5. Pennsylvania Lottery 25th Anniversary TV Game Show preliminary drawing.

(a) A preliminary drawing from the valid entries will be conducted by the Lottery to select 279 finalists. Each finalist will be eligible to win additional prizes or to participate in the Pennsylvania Lottery 25th Anniversary TV Game Show.

(b) The preliminary drawing will be held on a date after February 10, 1997, to be determined by the Secretary.

(c) The Lottery will make a reasonable effort to ensure that all valid entries are entered into the preliminary

drawing. The Lottery assumes no responsibility for a lost, misplaced or misdirected entry coupon not entered into the preliminary drawing.

(d) If an entry coupon is disqualified during the preliminary drawing, the Lottery will select another entry coupon to replace the disqualified entry coupon in accordance with Lottery procedure.

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

(f) The odds of being selected in the preliminary drawing are dependent upon the number of entries received.

§ 869.6. Manner of conducting the preliminary drawing.

(a) The preliminary drawing will be held using the Pennsylvania Lottery 25th Anniversary TV Game Show entry coupons in their envelopes returned for the drawing. With the aid of mechanical or automatic drawing equipment, 279 entry coupons will be randomly selected from all entry coupons received.

(b) The envelopes selected in the preliminary drawing will be opened, and the enclosed entry coupon will be removed from each envelope. The Lottery will determine whether each entry coupon has complied with § 869.4 (relating to how to enter). An entry coupon which does not comply with § 869.4 will be disqualified.

(c) An individual may only qualify as a preliminary finalist once.

(d) The drawing will continue until 279 valid entries are selected.

§ 869.7. Selection of studio contestants.

The Lottery will randomly select from the preliminary finalists previously selected under § 869.5 (relating to Pennsylvania Lottery 25th Anniversary TV Game Show preliminary drawing) for the purpose of selecting 25 studio contestants for the Pennsylvania 25th Anniversary TV Game Show.

§ 869.8. Studio contestants.

(a) The 25 studio contestants will each receive hotel accommodation for the night prior to the taping of the show and a prize of \$2,500. Two of the 25 studio contestants will be selected at the show taping to be game contestants. Additional prizes may be awarded to one or more remaining studio contestants.

(b) The Lottery will attempt to notify the 25 studio contestants by telephone or United States mail within 1 week after they are selected and qualified, and will provide the contestants with the date of the show's taping.

(c) Studio contestants have the choice to appear on the show in person or to designate a proxy to appear on the show on their behalf. Studio contestants designating a proxy to appear on the show shall complete and return a Designation of Proxy Form on a date to be determined by the Lottery.

(d) If the Lottery is unable to locate the studio contestant or the contestant's proxy prior to a designated cut-off time for the taping of the show, the Lottery is authorized to appoint a stand-in for the contestant. The Lottery is also authorized to designate a stand-in to appear on behalf of any studio contestant or proxy who the Lottery determines is unable or unfit to participate in the show.

(e) The proxy or stand-in has the authority to make decisions regarding the play of the game as if the proxy

or stand-in were the contestant. Resulting outcomes are final and binding on the studio contestant for whom the proxy or stand-in is playing. Prizes won will be paid by the Lottery to the studio contestant for whom the proxy or stand-in is playing. To participate, each proxy and stand-in shall execute a Game Show Release Form prior to the taping of the show.

(f) Studio contestants or their designated proxies will be responsible for arranging and providing for their own travel to the taping of the show.

(g) Studio contestants shall execute a Contestant Claim Form prior to payment of prizes won by or for the studio contestant.

§ 869.9. Description of the Pennsylvania Lottery 25th Anniversary TV Game Show.

(a) *Generally.* The Pennsylvania Lottery 25th Anniversary TV Game Show shall consist of at least two main games. Each main game is played by a single contestant, who will be chosen randomly from the 25 studio contestants in an authorized manner prescribed by the Secretary. The main games currently are Grand Prix and Vortex.

(b) *Description of main games.*

(1) *Grand Prix.*

(i) The Grand Prix is a race game in which three different colored race cars are displayed on a board, each car on its own track (red, yellow and blue). Each car will represent a different dollar prize amount. There are five positions on each track. The fifth position is the finish line. The race cars will begin in the first position and can advance one position at a time until one car reaches the finish line. The game contestant will win the amount corresponding to the first car to reach the finish line.

(ii) Before the race begins, specific dollar amounts are assigned to the red track and yellow track. The blue track will begin the game as the "Big Money" car.

(iii) To advance the cars toward the finish line, a second board displaying 12 numbered windows is used. A picture of one race car has been concealed behind each window prior to the start of the game. There are four cars of each color. The contestant selects a numbered window and the color of the car behind that window is revealed. The matching race car on the first board advances one position. This process continues until one car on the board reaches the finish line.

(iv) If the winning car is the "Big Money" car, the studio contestant will choose one plaque from a preloaded rack of four plaques labeled A—D to determine the prize. Each plaque bears a different dollar amount. The dollar amount is revealed as the plaque is removed from the rack.

(2) *Vortex.*

(i) The Vortex is a funnel-shaped device known as a gravity well. When a line of seven balls is rolled onto the surface of the device, just within the perimeter edge, the balls chase each other in rapid elliptical orbits, spiraling downward and eventually dropping into a bowl-shaped bottom. A small speed bump on the side surface of the bowl helps retard the velocity of the balls once they have entered the bowl. The seven balls will usually come to a rest at the bottom of the bowl in a daisy shape: one center ball surrounded by the other six. Regardless of the order in which the balls are rolled into the device, whichever ball ends up in the center of the daisy shape is completely random.

(ii) A launching device is mounted along the inside perimeter of the device. It is essentially a grooved track, angled so that when the balls are released, they roll down the curved track, via gravity, into the Vortex. A handle is attached to a mechanical device which holds back the balls. When the contestant pulls back the handle, the balls are released.

(iii) Before the start of the game, three sets of seven balls each are loaded into the launcher. Any order in which the balls are lined up is for aesthetic purposes only and has no effect on the outcome of the roll. The first pull of the handle releases only the first set of seven balls. Before each subsequent pull of the handle, the previous set of seven balls are removed from the Vortex. For a second play of the device, the second pull of the handle releases the second set of seven balls. For a third play of the device, the third pull of the handle releases the third set of seven balls. At any given time, only the set of seven balls about to be launched is visible; the other balls behind the first set are concealed by an upper cover.

(iv) The wins and losses in this game are determined by the color of the ball in the center of the daisy shape after the balls have come to a complete stop at the bottom of the bowl. To start, the contestant is given a stake.

(A) For the first roll, six of the balls are yellow and one is red. At the end of the roll, if the center ball of the daisy is yellow, the money is doubled. If it is red, the money is unchanged.

(B) For the second roll, five of the balls are yellow and two are red. This time, if the center ball is yellow, the current money is tripled. If it is red, the money remains as it was after the first roll.

(C) At this point the contestant is given a decision: the contestant can stop with the current winnings or roll one more time.

(D) For the final roll, four of the balls are yellow and three are red. If the center ball ends up being one of the yellow balls, the current money is quadrupled and the game is over. If the center ball is red, the contestant loses half of the contestant's current winnings and the game is over.

(c) *Additional games.* If the Department decides to add additional games to the Pennsylvania Lottery 25th Anniversary TV Game Show, the Department will publish a notice in the *Pennsylvania Bulletin* prior to the taping of the show, describing the game and how it is played.

§ 869.10. Withholding.

Federal withholding taxes will be withheld by the Lottery in amounts required in accordance with provisions of law.

§ 869.11. Unclaimed prize money.

Unclaimed prize money on prizes won as a result of the Pennsylvania Lottery 25th Anniversary TV Game Show will be retained by the Secretary for payment to the person entitled thereto for 1 year from the date of the Pennsylvania Lottery 25th Anniversary TV Game Show. If no claim is made within 1 year of the Pennsylvania Lottery 25th Anniversary TV Game Show, the right of the contestant to claim the prize money shall expire and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

§ 869.12. Entry restrictions.

Officers or employes of a contractor, subcontractor or a spouse, child, brother, sister or parent residing in the same household of a contractor or subcontractor who is

involved in the production, distribution or the operation of systems for the validation or accounting of on-line tickets or the Pennsylvania Lottery 25th Anniversary TV Game Show are ineligible to enter and are disqualified from participating in the Pennsylvania Lottery 25th Anniversary TV Game Show.

§ 869.13. Advertising and publicity for Pennsylvania Lottery 25th Anniversary TV Game Show.

(a) Submission of an entry coupon constitutes permission for the Lottery to use the contestant's name and likeness for the Pennsylvania Lottery 25th Anniversary TV Game Show, advertising, or publicity purposes without additional compensation.

(b) A studio contestant's entry into the taping studio constitutes permission for the Lottery to use that person's name, city or residence, and likeness for the Pennsylvania Lottery 25th Anniversary TV Game Show advertising, or publicity purposes without additional compensation.

§ 869.14. Malfunction of equipment or systems.

In the event a malfunction in the equipment or systems occurs, the Lottery will use substitute procedures that are fair and necessary to conduct the game show. The substitute procedures shall be determined in consultation with the independent auditing firm under contract for the Pennsylvania 25th Anniversary TV Game Show. In using the substitute procedures, the Lottery will strive to maintain the highest level of public confidence and integrity in the Pennsylvania 25th Anniversary TV Game Show.

§ 869.15. Governing law.

(a) By submitting an entry coupon for the Pennsylvania Lottery 25th Anniversary TV Game Show, the person agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary and procedures established by the Director for the conduct of the Pennsylvania Lottery 25th Anniversary TV Game Show.

(b) Decisions made by the Director or the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this part are final and binding on a person making a claim in respect thereto.

[Pa.B. Doc. No. 96-1964. Filed for public inspection November 22, 1996, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 211]

Corrective Amendment to 67 Pa. Code §§ 211.253 and 211.256

The Department of Transportation has discovered a discrepancy between the agency text of 67 Pa. Code §§ 211.253 and 211.256 (relating to no stopping on pavement sign, R8-5; and no stopping on bridge sign, R8-20) as deposited with the Legislative Reference Bureau and as published at 5 Pa.B. 749 (April 12, 1975) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 1), and is currently appearing in the *Pennsylvania Code*. Subsection (b) (relating to placement) was never codified in either section.

Therefore, under 45 Pa.C.S. § 901: The Department of Transportation has deposited with the Legislative Refer-

ence Bureau a corrective amendment to 67 Pa. Code §§ 211.253 and 211.256. The corrective amendment to 67 Pa. Code §§ 211.253 and 211.256 is effective as of May 16, 1981, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 67 Pa. Code §§ 211.253 and 211.256 appears in Annex A, with ellipses referring to the existing text of the regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 211. OFFICIAL TRAFFIC CONTROL DEVICES STOPPING, STANDING AND PARKING GROUP, R7 AND R8 SERIES

§ 211.253. No Stopping on Pavement Sign, R8-5.

(a) *Justification.* The No Stopping on Pavement Sign, R8-5, shall be authorized for use in rural areas as provided in §§ 211.231—211.233 (relating to justification and description; placement; and size) when stopping is permissible off the pavement but prohibited on the pavement.

(b) *Placement.* The R8-5 sign should be placed immediately in advance of and at intervals throughout the restricted area.

(c) *Size.* The standard size of R8-5 shall be 24 inches by 30 inches. The standard size for expressways shall be 36 inches by 48 inches.

* * * * *

§ 211.256. No Stopping on Bridge Sign, R8-20.

(a) *Justification.* The No Stopping on Bridge Sign, R8-20, shall be authorized for use in rural areas as provided in §§ 211.231—211.233 (relating to justification and description; placement; and size) when motorists have a tendency to stop or park on the bridge for purposes other than emergencies.

(b) *Placement.* When used, the R8-20 sign shall be erected immediately in advance of the bridge and at reasonable intervals on the bridge.

(c) *Size.* The standard size for expressways shall be 30 inches by 24 inches.

* * * * *

[Pa.B. Doc. No. 96-1965. Filed for public inspection November 22, 1996, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

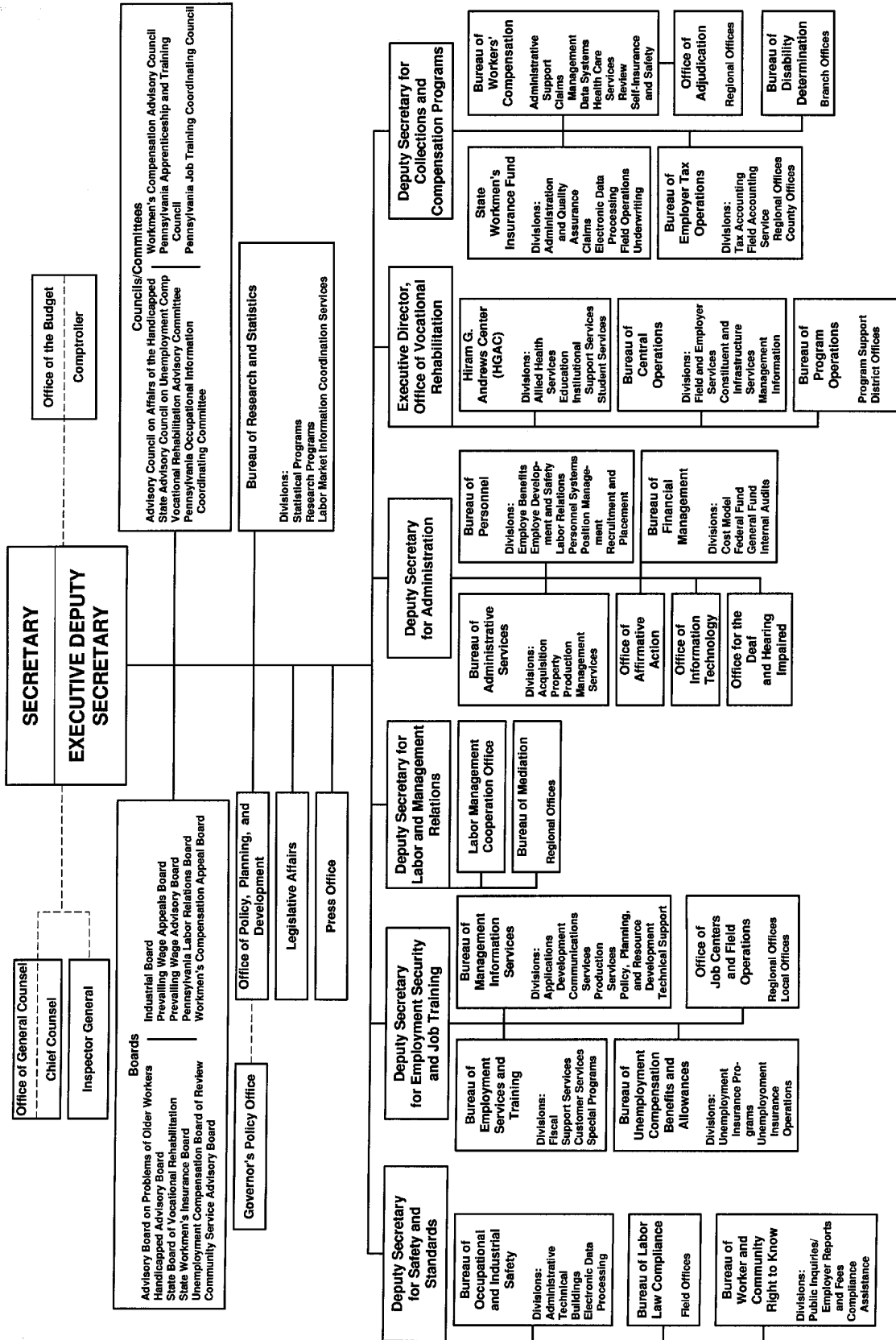
Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective November 13, 1996.

The organization chart at 26 Pa.B. 5719 (November 23, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

DEPARTMENT OF LABOR AND INDUSTRY



[Pa.B. Doc. No. 96-1966. Filed for public inspection November 22, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00960838]

Affiliated Interest Issues of Natural Gas Marketers

The Pennsylvania Public Utility Commission (Commission) on October 3, 1996, adopted a proposed policy statement to provide guidance to local distribution companies (LDCs) providing natural gas service in this Commonwealth with regard to uniform standards for affiliated interests of the LDCs and for gas marketing divisions of LDCs. The contact person is Jonathan Zorach, Assistant Counsel, Law Bureau, (717) 783-2818.

Public Meeting held
October 3, 1996

Commissioners present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson, Concurring in result; John Hanger; David W. Rolka; and Robert K. Bloom

Proposed Policy Statement

By the Commission:

Since the fall of 1995, parties in this Commonwealth have tried to reach a consensus on the "rules of the road" for retail choice in natural gas. As part of the evolution of the unbundling of natural gas services, this Commission has adopted various policies addressing state issues following in the wake of policy changes established by the Federal Energy Regulatory Commission (FERC). Central to the Commission's clarification of policy is a strong statement that the Commission will not permit unreasonable discrimination in retail offerings either by the LDC in favor of its marketing affiliate or, if there is no formally organized affiliate, its marketing division.

As we have previously stated with regard to regulatory changes resulting from FERC Order 636, it is our intent by publishing our policy statement to clarify our position regarding affiliated interests and subsidiaries to facilitate unbundling and reduce or eliminate nondiscriminatory practices. We believe it imperative that we clarify our policies so as to insure a level playing field for the participants.

The Commission has already addressed some of these concerns in our Final Rulemaking for Regulation Regarding Gas Transportation Tariffs. Under the proposed rules at § 60.2(3), for example, transportation rate discounts to customers may not be conditioned upon any obligation to purchase gas supply from a utility or its affiliated interest. Additionally, we rejected the idea of structural separation for LDCs. Some LDCs have separate marketing divisions, whereas some do not; but whether or not the marketing is done by a separate affiliate, we are concerned that the LDC not discriminate unreasonably in favor of its marketer.

Although the Commission's statute at 66 Pa.C.S. §§ 1317(b) and 1318(b) addresses gas purchases by affiliates of natural gas companies, it does not specifically address divisions that are not organized as separate affiliates. However, under 66 Pa.C.S. §§ 1307, 1308, 1317 and 1318, the Commission regulates gas costs and determines the reasonableness of rates. In addition, under 66 Pa.C.S. § 1304, we have broad authority to ensure that LDCs do not engage in discriminatory practices.

Accordingly, under our authority under sections 501, 504—506, 1301—1309, 1317, 1318, 1501, 1502 and 2101—2107, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301—1309, 1317, 1318, 1501, 1502 and 2101—2107, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), the Commission has authority to promulgate this policy statement addressing affiliated interest issues set forth in Annex A. *Therefore,*

It is Ordered that:

1. The proposed policy statement regarding affiliated interests of Pennsylvania gas utilities, as set forth in Annex A, is hereby proposed at §§ 69.191 and 69.192 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for a 30-day comment period starting with publication in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,
Secretary

Fiscal Note: 57-180. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

NATURAL GAS MARKETERS

§ 69.191. General.

(a) Given the unbundling of monopoly distribution services in the natural gas industry and the development of customer access to commodity gas and transportation services, the Commission has developed policies for local distribution companies (LDCs), marketers and customers with regard to the affiliated and nonaffiliated interests of LDCs. This section and § 69.192 (relating to affiliated interest—statement of policy) are intended to clarify additional aspects of the Commission's authority in this area. The Commission has a strong policy against direct or indirect discrimination by LDCs in favor of their marketing affiliates or marketing divisions and against independent gas marketers. This discrimination would impermissibly hinder both the unbundling of services and the entry of new competitors into the marketplace.

(b) Although many LDCs have affiliated marketing divisions, some may have divisions or marketing sections that are not separately organized as affiliates as defined in 66 Pa.C.S. (relating to Public Utility Code) (code). In order to be effective, the Commission's antidiscrimination policies must also apply without regard to the structural relationship of the LDC's marketer to the LDC. Thus this section and § 69.192 cover both the LDC's affiliates and gas marketing divisions or marketing sections that do not have affiliate status. Although some states have considered requiring these divisions to be separately organized as affiliates, the Commission does not believe this is necessary as long as the parent company fairly allocates costs to the division, and does not give the division an unfair advantage vis-a-vis other marketers. The Commission previously rejected the idea of structural separation for LDCs.

(c) The Commission's authority with respect to affiliate and marketing divisions derives from different portions of the code. Chapter 21 of the code (relating to relations with affiliated interests) directly governs affiliated interests. Section 1318(b) of the code (relating to just and reasonable natural gas rates) addresses gas purchased from affiliates. Other provisions of the code govern natural gas costs, such as sections 1307, 1308, 1317 and 1318. The code requires adherence to tariffs under section 1303 of the code (relating to adherence to tariffs) and thus prohibits a lack of uniformity or discrimination in the application of tariff provisions. Likewise under section 1304 of the code it prohibits rate discrimination. Other provisions of the code reenforce these policies: section 1501 (relating to character of service and facilities) requires utilities to furnish "adequate, efficient, safe and reasonable service," while section 1502 (relating to discrimination in service) prohibits "any reasonable preference or advantage" and forbids "any unreasonable preference or disadvantage." These provisions clearly require equal treatment of similarly situated parties dealing with the LDC.

(d) Under sections 505 and 506 of the code (relating to duty to furnish information to Commission; cooperation in valuing property; and inspection of facilities and records), the Commission has authority to require utilities to keep and furnish information in accordance with requirements set forth by the Commission. As part of this section and § 69.192, the Commission has set forth certain recordkeeping requirements to help ensure that parties are fairly treated.

§ 69.192. Affiliated interest—statement of policy.

The following policies should be applied by the LDCs:

(1) The LDC must apply its tariffs in a nondiscriminatory manner to its affiliate, its own marketing division and any nonaffiliate.

(2) The LDC shall likewise not apply a tariff provision in a manner that would give its affiliate or division an unreasonable preference over other marketers with regard to matters such as scheduling, balancing, transportation, storage, curtailment or nondelivery.

(3) If a tariff provision is mandatory, the LDC may not waive the provision for its affiliate or division absent prior approval of this Commission.

(4) If a tariff provision is not mandatory or provides for waivers, the LDC shall grant the waivers without preference to affiliates and divisions or nonaffiliates.

(5) The LDC shall maintain a chronological log of tariff provisions for which it has granted waivers. Entries shall include the name of the party receiving the waiver, the date and time of the request, the specific tariff provision waived and the reason for the waiver.

(6) The LDC shall process requests for transportation promptly and in a nondiscriminatory fashion with respect to other requests received in the same or a similar period.

(7) Transportation discounts provided to the LDC's or its marketing affiliate's favored customers shall be offered to other similarly situated customers.

(8) The LDC should not disclose customer proprietary information to its marketing affiliate or division, and to the extent that it does disclose customer information, it shall do so to other similarly situated marketers in a similar fashion so as not to selectively disclose, delay disclosure, or give itself or its affiliate any undue advantage related to the disclosure.

(9) An LDC shall fairly allocate to its marketing affiliate or division costs or expenses for general administration or support services so as not to give either the LDC or the affiliate an unfair advantage over competitors through an unfair allocation of these costs.

(10) An LDC selling surplus gas supplies or upstream capacity on a short-term basis to its affiliate shall make supplies available to similarly situated marketers on a nondiscriminatory basis.

(11) The LDC may not condition or tie agreements to release interstate pipeline capacity to a service in which the LDC or affiliate is involved.

(12) The LDC may not directly or by implication unfairly represent to a customer, supplier or third party that an advantage may accrue to a party through use of the LDC's affiliate or subsidiary.

(13) The LDC shall establish and file with the Commission a complaint procedure for dealing with alleged violations of this section.

(14) Parties alleging violations of this section may pursue their allegations through the Commission's established complaint procedures.

[Pa.B. Doc. No. 96-1967. Filed for public inspection November 22, 1996, 9:00 a.m.]

[52 PA. CODE CH. 69]

[M-960839]

Fitness of Natural Gas Marketers

The Pennsylvania Public Utility Commission (Commission) on October 3, 1996, adopted a proposed policy statement to provide guidance to local distribution companies (LDCs) providing natural gas service in this Commonwealth with regard to uniform standards for brokers and marketers. The contact person is Jonathan Zorach, Assistant Counsel, Law Bureau, (717) 783-2812.

Public Meeting held
October 3, 1996

Commissioners present: John M. Quain, Chairperson; Lisa Crutchfield; John Hanger; David W. Rolka; and Robert K. Bloom

Corrected Proposed Policy Statement

By the Commission:

As the gas industry unbundles and transportation service is made available to all retail customers, it is necessary for the Commission to insure that brokers and marketers operating in this Commonwealth possess the financial and technical fitness necessary to meet their contractual obligations. In order to insure such fitness and protect the public interest, this Commission believes it appropriate that the LDCs establish guidelines in their tariffs addressing these matters. The guidelines would govern the qualifications of entities seeking to transport gas through an LDC's distribution system.

The Commission believes that the establishment of the guidelines will benefit the LDC and all of its customers. The inability of a marketer or broker to meet its financial or operational commitments potentially poses a serious threat to the operation of the gas distribution system. This inability to perform may result in an improper taking of gas belonging to other retail and transportation

customers or hinder an LDC's ability to operate its distribution system in an orderly manner. While the Commission recognizes that it does not have the authority to address the issue of "damages," we are charged with insuring that the LDC provides safe, reliable and adequate service to all of its customers. We believe that the issuance of the policy statement, which calls for the establishment of guidelines by the LDC in dealing with marketers, brokers, and the like, will enable the Commission to meet its statutory obligations.

The Commission is also concerned that the guidelines not be improperly employed as a hindrance to entry into the gas supply marketplace. Our interest here goes only to insuring that all entrants be able to meet their financial and operational commitments. Firms wishing to deliver gas to retail customers through LDCs must demonstrate financial and technical fitness to meet peak demands. In addition, they must have adequate financial reserves to insure that they may provide the services they offer to the public.

Accordingly, under the authority under sections 102, 501, 508, 1301—1304, 1317, 1318 and 1501, 66 Pa.C.S. §§ 102, 501, 508, 1301—1304, 1317, 1318, 1501, and the Commonwealth Documents Law (45 P. S. § 1201 et seq.), the Commission has authority to promulgate this proposed policy statement addressing the fitness of natural gas marketers set forth in Annex A. *Therefore,*

It is Ordered that:

1. The proposed policy statement regarding the fitness of natural gas marketers as set forth in Annex A, is hereby promulgated for comment.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. The public is invited to submit written comments, an original and 15 copies, regarding the proposed policy statement with the Secretary of the Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 within 30 days after publication in the *Pennsylvania Bulletin*. Reply comments may be submitted within 60 days after publication in the *Pennsylvania Bulletin*.

5. A copy of this order, initial views of any Commissioner and Annex A are to be served upon all jurisdictional gas utilities, the Office of Consumer Advocate and the Office of Small Business Advocate.

JOHN G. ALFORD,
Secretary

Fiscal Note: 57-181. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

NATURAL GAS MARKETERS

§ 69.193. Fitness of natural gas marketers—statement of policy.

(a) To retain reliable service when the gas industry unbundles, the Commission seeks to insure that brokers and marketers operating in this Commonwealth possess the financial and technical fitness necessary to meet their contractual obligations. Since assurance of reliable service is a prerequisite for opening this Commonwealth's gas markets to full retail competition, providers of gas should be fully capable of providing reliable service. LDCs must address the issues of financial and technical fitness in their tariffs in order to assure the reliability of supplies to the end user.

(b) Firms that wish to deliver gas to retail customers shall demonstrate that they have both the financial and technical fitness to meet the peak demand of contracted customers on peak days. This demonstration of fitness is vital for any firm that wishes to serve retail customers, whether commercial or residential. To insure financial fitness, the LDC shall insure that the marketer or broker has the financial reserves necessary to provide the services it offers to the public.

(c) Accordingly, the LDCs may offer nondiscriminatory tariff rules subject to Commission approval governing the qualifications of marketers and brokers. These rules should be consistent with registration requirements for marketers of the Federal Energy Regulatory Commission. The tariff rules should address:

(1) Financial fitness, including the ability of the entity to comply with a financial penalty in the event of non-performance.

(2) Operational fitness, including gas reserves and the ability of the firm to meet the peak demand of contracted customers.

[Pa.B. Doc. No. 96-1968. Filed for public inspection November 22, 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 November 12, 1996.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-7-96	Suburban Community Bank Chalfont Bucks County	195 E. Butler Ave. Chalfont Bucks County	Commenced Operations
11-8-96	Northwest Interim Savings Bank Warren Warren County	Warren	Filed

Subject institution will be utilized to merge Bridgeville Savings Bank, FSB, Bridgeville, with and into Northwest Savings Bank, Warren.

Mergers, Consolidations and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-7-96	Union Bank and Trust Company Pottsville Schuylkill County	Pottsville	Filed

Purchase of assets/assumption of liabilities of two branch offices of Pennsylvania National Bank and Trust Company, Pottsville, located at:

101 North Front St. Auburn Schuylkill County	450 West Shamokin St. Trevorton Northumberland County
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Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-4-96	Irwin Bank & Trust Company Irwin Westmoreland County	4548 Broadway Blvd. Monroeville Allegheny County	Opened
11-6-96	Mercer County State Bank Sandy Lake Mercer County	Route 62 Jackson Township Mercer County	Approved
11-6-96	Mercer County State Bank Sandy Lake Mercer County	115 W. Adams St. Cochranton Crawford County	Approved
11-6-96	The Peoples State Bank East Berlin Adams County	600 Carlisle St. Hanover York County	Filed
11-12-96	Orrstown Bank Orrstown Franklin County	22 S. Hanover St. Carlisle Cumberland County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-96	The York Bank and Trust Company York York County	To: 4202 Valley Green Etters York County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 36 Robin Hood Drive Etters York County	

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-1-96	Lee Hospital Credit Union Johnstown Cambria County	Homewood at Martinsburg 430 S. Market St. Martinsburg Blair County	Opened
11-12-96	Lee Hospital Credit Union Johnstown Cambria County	Laurel View Village Carpenters Park Rd. Davidsville Somerset County	Approved

RICHARD C. RISHEL,
Chairperson

[Pa.B. Doc. No. 96-1969. Filed for public inspection November 22, 1996, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 1996

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of December is 9 1/4%.

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

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.87 to which was added 2.50 percentage points for a total of 9.37 that by law is rounded off to the nearest quarter at 9 1/4%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1970. Filed for public inspection November 22, 1996, 9:00 a.m.]

DEPARTMENT OF EDUCATION

State Plan and Preschool Application; Public Comment Period

Written public comment is invited regarding the Department of Education's proposed amendments to its State Plan under the Individuals with Disabilities Education Act (IDEA)—Part B, and the preschool Section 619 grant application to the United States Department of Education. The State Plan represents a contract between the Pennsylvania Department of Education and the United States Department of Education under IDEA-B. The State Plan describes the comprehensive framework of the delivery of special education in the Commonwealth.

The purpose is to receive comments on the Commonwealth's proposed amendments to its application for Federal funds authorized by the Individuals with Disabilities Education Act under Part B and Section 619/Preschool. Comments regarding necessary changes are especially welcomed. These funds will be used to render services and programs to children with disabilities who are eligible for services under the act.

Copies of the proposed amendments are available by calling (717) 772-0635 or the TDD at (717) 787-7367. Alternative formats of the documents (for example, braille, large print, cassette tape) can be made available to members of the public upon request. Moreover, public comment is welcomed in alternative formats such as

braille or taped comments, and telephone comments from the disabled. Persons who are disabled and wish to submit comments by telephone should call Nancy Ziegler at (717) 783-6134 or TDD (717) 787-7367.

Written comments will be received until January 31, 1997. The written comments should be directed to Jill Deitrich, Administrative Assistant, Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Following receipt of all comments, the Department of Education will consider all public comments and make any necessary modifications to the State Plan and pre-school application before submission, by March 1, 1997, of the final proposal to the Secretary of the U. S. Department of Education.

Additionally, public testimony will be held by the Department of Education, Bureau of Special Education for those wishing to present oral testimony on the State Plan proposals. One written copy of oral testimony at the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Dates, locations and times for oral testimony on the State Plan are as follows:

January 7, 1997—3 p.m. to 7 p.m., Eastern Instructional Support Center, 200 Anderson Road, King of Prussia, PA 19406; January 8, 1997—3 p.m. to 7 p.m., PennTech, Gateway Corporate Center, 6340 Flank Drive, Suite 300, Harrisburg, PA 17112; January 9, 1997—3 p.m. to 7 p.m., Western Instructional Support Center, 5347 William Flynn Highway, Gibsonia, PA 15044. To schedule an opportunity to present testimony, please call Nancy Zeigler, no later than January 2, 1997, at (717) 783-6134 or TDD at (717) 787-7367. Persons with a disability who wish to attend the public testimony scheduled above and require an auxiliary aid service or other accommodation to participate in the proceedings should contact Nancy Zeigler at the telephone number listed above.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-1971. Filed for public inspection November 22, 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 wastewater into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

PA 0204170. Industrial waste, SIC: 2021 and 2023, **Mayfair Creamery**, 1019 North Center Avenue, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge untreated cooling water from its Somerset plant in Somerset Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of the east branch of Coxes Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Ohiopyle Municipal Water Works, located at Youghiogheny River, 44 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.02 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)					
January 1-31			107		
February 1-November 15			110		
November 16-30			104		
December 1-31			92		
pH	6.0—9.0				

Outfall 002: Existing Discharge.

The discharge by this outfall shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

PA 0217468. Industrial waste, SIC: 4941, **Beaver Falls Municipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA 15010.

This application is for issuance of an NPDES permit to discharge treated process water from water treatment plant operations in Eastvale Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Beaver River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Beaver Falls Municipal Authority, located at New Brighton, 3 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.853 mgd.

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

The EPA waiver is in effect.

PA 0026891. Sewage, **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, Charleroi, PA 15022.

This application is for renewal of an NPDES permit to discharge treated sewage from Charleroi Borough Sewage Treatment Plant in the Borough of Charleroi, **Washington County**.

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

Outfall 001: existing discharge, new design flow of 3.0 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.5			1.6
pH	6.0—9.0			

Other Conditions: Outfalls 002 through 013 are to be permitted as combined sewer overflows.

The EPA waiver is not in effect.

PA 0028673. Sewage, **Gallitzin Borough Sewer and Disposal Authority**, 702 Jackson Street, Gallitzin, PA 16641.

This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of Gallitzin wastewater treatment plant in Gallitzin Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bradley 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 PA American Water Company.

Outfall 001: existing discharge, design flow of 0.4 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	8.5	12.8		17.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	.17			.56
Dissolved Oxygen	not less than 6.0 mg/l			
pH	6.0—9.0			

Other Conditions: Outfalls 002 through 007 will serve as combined sewer overflows.

The EPA waiver is in effect.

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

PA 0111848. SIC: 3648, **Safety Light Corp.**, 4150-A Old Berwick Road, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to the North Branch Susquehanna River in South Centre Township, **Columbia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Borough.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0025 mgd, are:

Parameter	Monthly Average (mg/l)	Daily Maximum (mg/l)
TSS		60.0
O and G		30.0
Zinc		1.64
Acetone		monitor
TTO		3.4
pH	6.0—9.0 standard units at all times.	

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 0222101. Sewage, **Stephen F. Mioduszewski**, 1201 Ponderosa Drive, Erie, PA 16509.

This application is for a new NPDES permit to discharge treated sanitary sewage from Honey Estates, Inc., to Walnut Creek in Summit Township, **Erie County**. This is a new discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Erie municipal water plant intake, which is approximately 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on average design flow of 0.0052 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report	
CBOD ₅	25	50
Total Suspended Solids	30	60
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.50	0.750
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	94,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0036650. Sewage. **City of Titusville**, 107 North Franklin Street, Titusville, PA 16354.

This application is for renewal of an NPDES permit to discharge treated sewage to the Oil Creek in the City of Titusville, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Emlenton Water Company on the Allegheny River located at Emlenton, approximately 60 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 4.0 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	6,900/100 ml as a geometric average		
Total Residual Chlorine			
(Interim Limits)			
(Final Limits)*	.16		.54
Copper	.011		.022
Zinc	.075		.15
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0103373. Sewage. **Foxburg Area Water and Sewer Authority**, P. O. Box 2, Foxburg, PA 16036.

This application is for renewal of an NPDES permit to discharge treated sewage to the Allegheny River in Foxburg Borough, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and Parker City Municipal Authority on the Allegheny River located at Parker City, approximately 3 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.085 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0101052. Industrial waste, **Municipal Authority of the Borough of Union City**, 12 South Main Street, Union City, PA 16438.

This application is for renewal of an NPDES permit to discharge treated filter backwash and settling tank blowdown from the Bentley Run water filtration plant to Bentley Run in Union 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, the existing downstream potable water supply (PWS) considered during the evaluation is Cambridge Springs Borough, approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a maximum design flow of 0.1037 mgd, are:

<i>Parameter</i>	<i>Effluent Limits (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60
Aluminum (total)	0.93	1.86
Iron (total)	2	4
Manganese (total)	1	2
Total Residual Chlorine	0.13	0.20
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0054186. Sewage, **Department of Corrections**, State Correctional Institution Graterford, P. O. Box 246, Route 29, Graterford, PA 19426-0246.

This application is for renewal of an NPDES permit to discharge treated sewage from Graterford sewage treatment plant serving State Correctional Institute at Graterford in Skippack Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.5 million gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0
Total Residual Chlorine		
(1st and 2nd year)	0.5	1.3
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
3rd, 4th and 5th year)	0.01	0.03

The EPA waiver is in effect.

PA 0050474. Sewage, **Warwick Drainage Company**, 332 Gordon Drive, Exton, PA 19341.

This application is for renewal of an NPDES permit to discharge treated sewage from the Warwick Drainage Company STP in Warwick Township, **Chester County**. This is an existing discharge to French Creek.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	1.2	2.4
Fecal Coliforms	200 colonies/100 ml as a geometric average	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0033111. Sewage, SIC: 4952, **Oak Creek Campground, Inc.**, Box 128, Bowmansville, PA 17507.

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

The receiving stream is classified for high quality 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 0.00423 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25			50
Total 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)	9,000/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0044598. Sewage, SIC: 4512, 4513, 4522 and 4581. **Department of Transportation**, Bureau of Aviation, 208 Airport Drive, Middletown, PA 17057.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Post Run (tributary to Susquehanna River), in Lower Swatara Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Borough Water Company located in 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 0.15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20			40
Total Suspended Solids	30			60
Total Residual Chlorine	1.5			2.5
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)	3,500/100 ml as a geometric average			

This permit includes requirements for monitoring the discharge of stormwater to Post Run and to the Susquehanna River through outfalls 004 through 015.

The EPA waiver is in effect.

PA 0084603. Sewage, SIC: 4952, **Fairmount Rest Home**, 232 Cats Back Road, Ephrata, PA 17522.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Conestoga River, in West Earl Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, 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 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Residual Chlorine	1.0	2.0
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)	7,000/100 ml as a geometric average	

The EPA waiver is in effect.

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

PA 0052167. Sewerage, **Wind Gap Municipal Authority**, c/o Richard C. Keenhold, Jr., Chairperson, 16 South Broadway, Wind Gap, PA 18091.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary of Little Bushkill Creek in Plainfield Township, **Northampton County**.

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

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.00 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2	3	4
(11-1 to 4-30)	6	9	12
Dissolved Oxygen	a minimum of 7.0 mg/l at all times		
Fecal Coliforms	200/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine			
First month through 36th month	monitor and report		
37th month through expiration date	0.1		0.2

This permit contains special conditions allowing the permittee to conduct site specific data collection for total residual chlorine.

The EPA waiver is not in effect.

Applications for coverage under the General NPDES Permit for Discharges from Stripper Oil Well Facilities—Permit PAG310001

Northwest Regional Office, Regional Oil and Gas Manager; 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6860.

6195001. Drake Well Oil and Gas Associates, Inc., 126 Third Street, Pleasantville, PA 16341. Application received for renewal of approval to discharge 835 gpd to Pithole Creek in President Township, **Venango County**.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this

30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0084425	Conewago Twp. Sewer Authority 490 Copenhaffer Rd. York, PA 17404	York Conewago Twp.	Little Conewago Creek	TRC NH ₃ N
PA0081876	Audubon Park, Inc. 23 S. Hanover St. Carlisle, PA 17013	York Monaghan Twp.	UNT to Yellow Breeches Creek	TRC
PA0028142	US Army Fort Indiantown Gap Annville, PA 17003	Lebanon	Swatara Creek	TRC

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

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

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

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

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

County Conservation District Office or the Department Regional Office indicated above the application.

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

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

Carbon County Conservation District, District Manager, 92 Blakeslee Blvd., East Lehigh, PA 18235, telephone (610) 377-4894.

NPDES Permit PAS101311. Stormwater. **Big Boulder Corporation**, P. O. Box 707, Blakeslee, PA 18610 has applied to discharge stormwater from a construction activity located in Kidder Township, **Carbon County**, to Big Boulder Lake.

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

NPDES Permit PAS10S009-1. Stormwater. **Resorts, USA**, P. O. Box 447, Bushkill, PA 18324 has applied to discharge stormwater from a construction activity located in Middle Smithfield Township, **Monroe County**, to Sand Hill Creek.

NPDES Permit PAS10S047. Stormwater. **Robert Carney**, 35 Lower Lakeview Drive, East Stroudsburg, PA 18301 has applied to discharge stormwater from a construction activity located in Jackson Township, **Monroe County**, to UNT to Appenzell and Kettle Creeks.

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

NPDES Permit PAS10U064. Stormwater. **Joel Koehler**, JET Properties, 9331 Hamilton Boulevard,

Breinigsville, PA 18031-1722 has applied to discharge stormwater from a construction activity located in Bushkill Township, **Northampton County**, to Bushkill Creek.

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protests. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

Industrial waste and sewerage applications 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. 4296202. Industrial waste. **McKean County Solid Waste Authority**, Kness Landfill, P. O. Box 448, Mt. Jewett, PA 16740. This project is for the relining of Lagoons 1 and 2 to serve as overflow and storage for treated leachate from the proposed leachate treatment facility to Sergeant Township, **McKean County**.

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

1596413. Sewerage. **The Church of the New Jerusalem**, (692 Spruce Drive, West Chester, PA 19380). Construction of a sewage treatment plant to serve Temenos Retreat Center located in West Bradford Township, **Chester County**.

1596414. Sewerage. **London Grove Township**, (3 London Way, Avondale, PA 19311). Construction of four proposed wastewater lagoons to serve Inniscrone Residential Development located in London Grove Township, **Chester County**.

0996423. Sewerage. **The Cutler Group, Inc.**, (5 Sentry Parkway, Suite 100, 325 Walton Road, Blue Bell, PA 19422). Construction of a pumping station and force main to serve the Rothrock Tract located in Warrington Township, **Bucks County**.

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

A. 1196404. Sewerage, **Conemaugh Construction Corporation**, R972 Bedford Street, Johnstown, PA 15902. Application for the construction of a sewage pumping station to serve the Skyview Estates located in the Township of Richland, **Cambria County**.

A. 6596409. Sewerage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. Application for the construction and operation of a sewage treatment plant and outfall and headwall to serve the Mamont Elementary School Building located in the Township of Washington, **Westmoreland County**.

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

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

A. 0996515. Public water supply. **Warwick Township Water & Sewer Authority**, 2242 York Road, Jamison, PA 18929. This proposal involves the construction of a 0.40 MG water storage tank and a booster pump station at the Windrush Development in Warwick Township, **Bucks County**.

A. 1596505. Public water supply. **London Grove Mobile Home Park**, 446 Jefferson Street, Downingtown, PA 19335. This proposal involves to permit an existing water system consisting of one well, hydropneumatic tank and a chlorine contact tank, proposal consists of adding one contact tank in London Grove Township, **Bucks County**.

A. 4696510. Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposal involves the installation of a corrosion control treatment system at well Nos. 2, 3 and 4. The project includes a solution tank, material pump and controls in Perkiomen Township, **Montgomery County**.

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

A. 6296504. Public water supply. **Sheffield Municipal Authority**, P. O. Box 821, Sheffield, PA 16347-0821. This proposal involves the installation of corrosion control equipment in the Tan Street well building for all of Sheffield's well water in Sheffield, **Warren County**.

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

A. 1996502. **Boone Nursing Home, Inc.**, R. R. 1, Box 340, Millville, PA 17846, Scott Township, **Columbia County**. The application requests approval for construction and operation of pumping facilities, storage and well at a new nursing home facility. William E. Sidler, Engineering Consultation and Services, R. R., Box 130, Turbotville, PA 17772-9512.

A. 5596502. **Shamokin Dam Borough**, Water Treatment Plant, Shamokin Dam, **Snyder County**. Project consists of rehabilitation of Process Unit No. 1. The existing Process Unit No. 1 will be demolished and replaced with a new Flocculation/Clarification Process Unit where the process unit effluent will be discharged to the existing Filter building. The new Process Unit No. 1 will be sized for 900 gpm.

Acknowledgment of Notices of Intent to Remediate.

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

Penn Garment Company, Old Lycoming Township, **Lycoming County**. Mrs. Dioris Neiman, 7091 East Shore Road, Traverse City, Michigan 49680 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Site-specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on October 12, 1996.

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

McDuff A-Corporation, former Rockwell International Corporation, One Rockwell Drive, New Castle, City of, **Lawrence County**, has submitted a Notice of Intent to Remediate site soils and groundwater. The site has been found to be contaminated with heavy metals and solvents. The applicant proposes to remediate the Special Industrial Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *New Castle News* on August 9, 1996.

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

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

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

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

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

Pennsylvania Power & Light Company (PP&L)—distribution pole #56475N44790, Hamm Court, City of Scranton, **Lackawanna County**. Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L) Beekman (decommissioned) Substation, Beekman Street, City of Wilkes-Barre, **Luzerne County**. Lisa Palfrey, Environmental Consultant for PP&L, 2 North Ninth

Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant proposes to remediate the site to meet the Statewide health standard.

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

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

A. 603449. Danville Hospital Farm Site, Borough of Danville (235 Mill St., Danville, PA 17821). Application for sewage sludge agricultural utilization at site located in Mahoning Township and Borough of Danville, **Montour County** received in the Regional Office on October 21, 1996.

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

A. 603450. Andrew Fritz Farm, Waynesboro Borough Authority (57 East Main Street, Waynesboro, PA 17268). Application for operation of an agricultural utilization of sewage sludge site in Washington Township, **Franklin County**. Application determined to be administratively complete in the Regional Office November 4, 1996.

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

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

25-316-003. The Department intends to issue an Air Quality Operating Permit to **Bush Industries of Pennsylvania, Inc.** (2455 Robison Rd., Erie, PA 16509) for the operation of a cyclone and baghouse in Summit Township, **Erie County**.

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

06-1044. The Department intends to issue a NOx RACT Air Quality Operating Permit to **The Wernersville State Hospital** (P. O. Box 300, Wernersville, PA 19565) for three coal-fired boilers controlled by multiclones, an oil-fired boiler and seven emergency generators in South Heidelberg Township, **Berks County**.

06-1045. The Department intends to issue a NOx RACT Air Quality Operating Permit to **The Hamburg Center** (P. O. Box 1000, Hamburg, PA 19526) for two coal-fired boilers controlled by a centrifugal collector, two oil-fired boilers and nine emergency generators in Windsor Township, **Berks County**.

06-1069. The Department intends to issue a NOx and VOC RACT Air Quality Operating Permit to **East Penn Manufacturing Company, Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for a lead/acid storage battery assembly facility controlled by various wet scrubbers and fabric collectors in Richmond Township, **Berks County**. Several of the sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

06-318-049B. The Department intends to issue an Air Quality Operating Permit to **Dana Corporation** (P. O. Box 13459, Reading, PA 19612-3459) for a side rail coating operation controlled by dry filters in Reading, **Berks County**.

07-323-005. The Department intends to issue an Air Quality Operating Permit to **Beasley Manufacturing, Inc.** (210 East Plank Road, P. O. Box 113, Altoona, PA 16603-0113) for three controlled pyrolysis metal parts cleaning ovens controlled by afterburners in the City of Altoona, **Blair County**.

38-323-004A. The Department intends to issue an Air Quality Operating Permit to **PA Precision Cast Parts, Inc.** (P. O. Box 1429, Lebanon, PA 17042) for a dewax oven controlled by an integral thermal afterburner in the City of Lebanon, **Lebanon County**.

67-309-102. The Department intends to issue an Air Quality Operating Permit to **American Colloid Mineral Company** (HCR 69, Box 135, Belle Fourche, SD 57717) for their cat litter filling station located at 600 Lincoln Street in the City of York, **York County**.

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

49-318-032. The Department intends to issue an operating permit to **Norka Manufacturing, Inc.** (103 East Fifth Street, Watsonstown, PA 17777) for the operation of a wood furniture finishing operation in Watsonstown Borough, **Northumberland County**.

41-310-010C. The Department intends to issue an operating permit to **Lycoming County Solid Waste Department** (R. D. 2, Box 587, Montgomery, PA 17752) for the operation of stone crushing equipment and four diesel-fired engines at the Lycoming County Landfill in Brady Township, **Lycoming County**. Some of the stone crushing equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

12-318-002. The Department intends to issue an operating permit to **Motor Coils Manufacturing Company** (P. O. Box 311, Emporium, PA 15834) for the operation of a surface coating operation ("red rubber" operation) and associated air cleaning device (a thermal fume incinerator) in Emporium Borough, **Cameron County**.

12-318-003A. The Department intends to issue an operating permit to **Motor Coils Manufacturing Company** (P. O. Box 311, Emporium, PA 15834) for the operation of a magnet wire coating line (ML Tower) and associated air cleaning device (a thermal fume incinerator) in Emporium Borough, **Cameron County**.

8-313-004F. The Department intends to issue an operating permit to **Osram Sylvania, Inc.** (P. O. Box 504, Towanda, PA 18848-0504) for the operation of an ammonia digestion process, ammonium paratungstate crystallization equipment and associated air cleaning devices (2 packed bed scrubbers, 2 packed bed absorbers and a condenser) in Towanda Borough, **Bradford County**.

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

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

Permit: **23-312-054B**
 Source: Gasoline Storage Tank
 Company: **Laurel Pipe Line, L. P.**
 Location: Bethel
 County: **Delaware**

Permit: **46-302-199**
 Source: Kewanee Boiler
 Company: **Plymouth Meeting Mall**
 Location: Plymouth
 County: **Montgomery**

Permit: **09-318-066**
 Source: Spray Paint Booth
 Company: **Milton Roy**
 Location: Ivyland
 County: **Bucks**

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: **35-318-076**
 Source: Chrome Line #4 W/ Wet Scrubber
 Company: **Precision National Corporation**
 Location: Abington Township
 County: **Lackawanna**

Permit: **40-304-010A**
 Source: Thermal Reclaimer-Foundry Sand
 Company: **Hazleton Pumps Incorporated**
 Location: City of Hazleton
 County: **Luzerne**

Permit: **48-328-001A**
 Source: Unit 5 Boiler W/Low NOx Burners
 Company: **Metropolitan Edison Company**
 Location: Upper Mt. Bethel Township
 County: **Northampton**

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

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

OP-09-0027A. On October 28, 1996, an application was received from **Fres-co System USA, Inc.** (3005 State Road, Telford, PA 18969) for the approval of Facility NOx/VOC RACT located in West Rockhill Township, **Bucks County**.

OP-46-0010A. On September 17, 1996, an application was received from **Montenay Energy Resources, Inc.** (1155 Conshohocken Road, Conshohocken, PA 19428) for the approval of Facility VOC/NOx RACT located in Plymouth Township, **Montgomery County**.

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

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

28-318-034. Construction of a paint spray booth by **Ingersoll-Rand Company** (312 Ingersoll Drive, Shippenburg, PA 17257) in Shippenburg Borough, **Franklin County**.

31-310-014J. Modification of the existing limestone crushing plant by **New Enterprise Stone and Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) in Warriors Mark Township, **Huntingdon County**.

36-2037A. Modification of the existing boilers by **Kellogg USA, Inc.** (Lancaster Plant, P. O. Box 3006, Lancaster, PA 17604) in East Hempfield Township, **Lancaster County**.

67-315-010. Construction of a paper coating machine by **P. H. Glatfelter Company** (228 South Main Street, Spring Grove, PA 17362-0500) in Spring Grove Borough, **York County**.

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

19-320-001D. Construction of book binding equipment by **Haddon Craftsmen, Inc.** (4411 Old Berwick Road, Bloomsburg, PA 17815) in South Centre Township, **Columbia County**.

17-399-017B. Construction of a residual waste landfill with associated stone crushing and screening operation and landfill gas collection and flaring system by **Eagle Environmental II, L. P.** (9 Logan Boulevard, Second Floor, Altoona, PA 16602) in Chest Township, **Clearfield County**. The stone crushing and screening operation is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

41-313-007G. Construction of two reaction vessels (halohydrantoin process chlorinators) to be controlled by an existing air cleaning device (a packed tower scrubber) and the installation of air cleaning devices (two fabric collectors) on two fluid bed dryers by **Lonza, Inc.** (3500 Trenton Avenue, Williamsport, PA 17701) in the City of Williamsport, **Lycoming County**.

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

23-315-008. On October 21, 1996, an application was received from **Kimberly-Clark Corporation** (Front and Avenue of the States, Chester, PA 19013) for the construction of a paper machine-dryer hood burner to be located in the City of Chester, **Delaware County**.

09-320-044. On October 21, 1996, an application was received from **Moore Business Forms** (100 American Drive, Quakertown, PA 18951) for the construction of a nonheatset web offset printing press to be located in Quakertown Borough, **Bucks County**.

23-330-001. On October 21, 1996, an application was received for a minor modification and amendment to a previous application for **Laurel Pipe Line Company, LP** (P. O. Box 368, Emmaus, PA 18049) for an air stripper-groundwater treatment facility to be located in Bethel Township, **Delaware County**.

09-399-042. On October 24, 1996, an application was received from **Donaldson Company, Inc.** (1741 Loretta Avenue, Feasterville, PA 19053) for the construction of a heated roller processing to be located in Lower Southampton Township, **Bucks County**.

46-320-033. On October 28, 1996, an application was received from **BG Packaging** (Brower and Montgomery Avenues, Oaks, PA 19456) for the construction of a flexographic printing press to be located in Upper Providence Township, **Montgomery County**.

Reasonably Available Control Technology; Public Hearing

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

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 36-2017A for the existing facility to comply with current regulations. The preliminary VOC RACT determination for the surface operation is a high solids topcoat and sealer system coating reformulation.

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

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on November 22, 1996, at Goodville Fire Hall, 1606 Main Street, Goodville, PA 17528 from 1 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Susan Frank at (717) 541-7969 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Michelle Rudisill, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before November 22, 1996.

Persons with a disability who wish to attend the hearing scheduled for November 22, 1996, at Goodwill Fire Hall and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Susan Frank directly at (717) 541-7969 through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Approval of Reasonably Available Control Technology (RACT) plan for The Magee Carpet Company.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a carpet manufacturing facility owned and operated by The Magee Carpet Company.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the U. S. Environ-

mental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this operation:

Source

- E. Keeler 86.6 million BTU per hour anthracite coal and carpet scrap pellet-fired boiler (boiler #1)

- Combustion Engineering 60 million BTU per hour anthracite coal and carpet scrap pellet-fired boiler (boiler #4)

- two E. Keeler DS10-185 77 million BTU per hour #4 fuel oil-fired boilers (boilers #6 and #7)

RACT limitation

- nitrogen oxides (NO_x, expressed as NO₂) not to exceed .42 pound per million BTU of boiler heat input or 74.1 tons in any 12 consecutive calendar month period and combined coal and carpet scrap pellet usage not to exceed 15,350 tons in any 12 consecutive calendar month period.

- nitrogen oxides (NO_x, expressed as NO₂) not to exceed .42 pound per million BTU of boiler heat input or 56.9 tons in any 12 consecutive calendar month period and combined coal and carpet scrap pellet usage not to exceed 11,800 tons in any 12 consecutive calendar month period.

- nitrogen oxides (NO_x, expressed as NO₂) not to exceed .14 pound per million BTU of heat input

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on December 19, 1996, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Joseph Cooper, Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by January 3, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA

17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

Approval of Reasonably Available Control Technology (RACT) Plans for Texas Eastern Transmission Corporation's (TETCO) Bechtelsville, Bernville, Grantville, Perulack/Leidy and Shermans Dale Compressor Stations.

The Department of Environmental Protection has made preliminary determinations to approve the RACT plans and proposes to revise the State Implementation Plan (SIP) for TETCO's Bechtelsville, Bernville, Grantville, Perulack/Leidy and Shermans Dale natural gas transmission pipeline compressor stations. These stations are respectively located in Washington Township, Berks County; North Heidelberg Township, Berks County; East Hanover Township, Dauphin County; Lack Township, Juniata County; and Carroll Township, Perry County.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approvals for the facilities to comply with current regulations.

The preliminary RACT determinations, if approved, will be incorporated into Operating Permits for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The sources at the five facilities for which RACT determinations are being made include gas turbines, IC engines and emergency generators. The final permits will contain NOx emission limits for the gas turbines and IC engines. All emergency generators will be subject to operating hour restrictions. Additional conditions will require verification of these limits through testing or by other means approved by the Department, plus monitoring and recordkeeping of the fuel consumption and operating hours for each of the sources.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3 p.m., Monday through Friday. The office is located at One Ararat Boulevard, Harrisburg, PA 17110.

One public hearing will be held for the purpose of receiving comments on the proposed Operating Permits and the proposed SIP revisions. The hearing will be held on January 7, 1997, at the Department's Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110 from 10 a.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Sandy Roderick at (717) 541-7969 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sandy Roderick at (717) 541-7969 or through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Ronald Davis, Engineering Services Chief, Air Quality Program, DEP, One Ararat Boulevard, Harrisburg, PA 17110. These written comments should be submitted by January 17, 1997.

The Department of Environmental Protection will conduct a public hearing on Friday, December 6, 1996, beginning at 1 p.m. in the first floor conference room A at the Meadville Regional Office located at 230 Chestnut Street.

The hearing is for DEP to accept testimony concerning the Department's decision to approve, with conditions, Reasonably Available Control Technology (RACT) plans by: Waste Management of Pennsylvania, Inc., Lake View Landfill, 851 Robison Road East, Erie, PA 16509, Erie County, PA, to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposals will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary VOC RACT determination for the above listed facility:

Lakeview Landfill

<i>Source</i>	<i>Control</i>	<i>Implementation Date</i>
Landfill Emissions	Enclosed Flare	Implemented

For the above facility, a public hearing will be held for the purpose of receiving comments on the above proposed Operating Permit and the proposed SIP revisions. The public hearing is scheduled as follows:

DEP Meadville Regional Office
First Floor Conference Room
230 Chestnut Street, Meadville, PA 16335

Friday December 6, 1996
1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Steve Curcio, Community Relations Coordinator, DEP, 230 Chestnut Street, Meadville, PA 16335-3494 (814) 332-6945 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Steve Curcio (814) 332-6945, or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but who wish to comment should provide written comments to Matthew Williams at (814) 332-6940, Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

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

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

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

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

Permit: 40-315-002

Source: Book/Paper Shred W/2 Baghouses
Received: October 24, 1996
Company: **Offset Paperback**
Location: Dallas Borough
County: **Luzerne**

Permit: 45-302-059G

Source: 700HP Superior Boiler/Nat Gas
Received: October 17, 1996
Company: **East Stroudsburg University**
Location: East Stroudsburg Borough
County: **Monroe**

Permit: 48-309-097

Source: Calcium Hydrox Inject W/Baghouse
Received: October 23, 1996
Company: **Hercules Cement Company**
Location: Stockertown Borough
County: **Northampton**

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or

within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

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

Coal Applications Received

56900110. Transfer from **B & W Coal, Inc. to Hardrock Coal Company** (R. D. 4, Box 155A, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Conemaugh Township, **Somerset County**, affecting 61.3 acres, receiving stream unnamed tributaries to Quemahoning Creek, application received November 4, 1996.

32910105. Permit renewal, **GLR Mining, Inc.**, commencement, operation and restoration of bituminous strip mine in Canoe Township, **Indiana County**, affecting 52.8 acres, receiving stream unnamed tributary to Brewer Run, application received October 28, 1996.

11850110. Permit renewal, **E. P. Bender Coal Company, Inc.** (Main & Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip mine in White Township, **Cambria County**, affecting 144.0 acres, receiving stream Dutch Run and its unnamed tributaries, application received October 30, 1996.

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

65960112. **Thomas C. Mull** (500 Backwoods Lane, North Huntingdon, PA 15642). Application received for commencement, operation and reclamation of a bituminous surface mine located in North Huntingdon Township, **Westmoreland County**, proposed to affect 42.0

acres. Receiving streams unnamed tributaries of Brush Creek to Brush Creek to Turtle Creek to the Monongahela River. Application received October 21, 1996.

26910107. Theodore R. Genovese II Coal Co. (General Delivery, Chalk Hill, PA 15421). Renewal application received for continued operation and reclamation of a bituminous surface mine located in German Township, **Fayette County**. Receiving streams unnamed tributary to Robinson's Run, unnamed tributary to Dunlap Creek, and an unnamed tributary to the Monongahela River. Renewal application received October 25, 1996.

03920103R. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in West Franklin Township, **Armstrong County**. Receiving streams Buffalo Creek and Claypoole Run to Buffalo Creek to the Allegheny River. Renewal application received October 29, 1996.

03860101R. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Boggs Township, **Armstrong County**. Receiving streams unnamed tributaries to North Fork Pine Creek and North Fork Pine Creek to Pine Creek to the Allegheny River. Renewal application received October 29, 1996.

63850109R. American Coal Company (P. O. Box 810, McMurray, PA 15317). Renewal application received for continued reclamation of a bituminous surface mine located in Chartiers Township, **Washington County**. Receiving streams two unnamed tributaries to Chartiers Run. Renewal application received November 1, 1996.

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

57960201. Falcon Coal & Construction Co. (R. D. 1, Box 244, Canton, PA 17724), commencement, operation and restoration of a coal refuse reprocessing permit in Cherry Township, **Sullivan County** affecting 12.1 acres, receiving streams Birch Creek to Loyalsock Creek to west branch Susquehanna River to Chesapeake Bay, application received October 29, 1996.

17960120. Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 10.2 acres, receiving streams Rolling Stone Run, unnamed tributary to Browns Run, application received October 30, 1996.

17910121. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Jordan and Beccaria Townships, **Clearfield County** affecting 195 acres, receiving streams Buck Run and unnamed tributary of Buck Run to Buck Run, Buck Run to Clearfield Creek, Clearfield Creek to west branch Susquehanna River, application received October 21, 1996.

14860103. Keystone Coal Company (P. O. Box 204, Maryland Line, MD 21105), renewal of an existing bituminous surface mine permit in Curtin Township, **Centre County** affecting 199 acres, receiving streams unnamed tributary to Beech Creek, and Beech Creek to Bald Eagle Creek to west branch Susquehanna River, application received November 4, 1996.

17910115. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661-0225), revision to an existing bituminous sur-

face mine permit for a Change in Land Use from non-commercial forestland to cropland, Decatur Township, **Clearfield County**, application received October 21, 1996.

17663037. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), transfer of an existing bituminous surface mine permit from James I. Cowfer Contracting, Inc., Decatur and Woodward Townships, **Clearfield County** affecting 400 acres, receiving streams unnamed tributaries to Little Beaver Run, Little Beaver Run, unnamed tributaries to Goss Run and Goss Run, application received October 29, 1996.

17960118. Johnson Brothers Coal Co., Inc. (R. D. 1, Box 580, Mahaffey, PA 15757), commencement, operation and restoration of a bituminous surface mine permit in Bloom Township, **Clearfield County** affecting 24.4 acres, receiving streams unnamed tributary to Bell Run, unnamed tributary to Little Anderson Creek, application received October 18, 1996.

17960119. E. P. Bender Coal Co., Inc. (P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 154 acres, receiving streams Comfort Run and unnamed tributaries to Comfort Run, application received October 18, 1996.

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

54840106T. City of Philadelphia, Trustee Acting by the Board of Directors of City Trusts for Girard Estates, (21 South 12th Street, Philadelphia, PA 19107-3684). Transferred from Packer V Coal Company, Inc., anthracite surface mine in Butler/West Mahanoy Townships, **Schuylkill County**, affecting 447.6 acres, receiving stream Mahanoy Creek. Application received October 17, 1996.

54803004C15. Harriman Coal Corporation, (P. O. Box 127, Valley View, PA 17983), correction to existing fly ash disposal operation to add an additional source in Porter and Hegins Townships, **Schuylkill County**, affecting 214.0 acres, receiving stream Good Spring Creek. Application received October 22, 1996.

54839192C4. Harriman Coal Corporation, (P. O. Box 127, Valley View, PA 17983), correction to existing fly ash disposal operation to add an additional source in Porter Township, **Schuylkill County**, affecting 460.0 acres, receiving stream Good Spring Creek. Application received October 22, 1996.

54803019C4. Harriman Coal Corporation, (P. O. Box 127, Valley View, PA 17983), correction to an existing fly ash disposal operation to add an additional source in Porter and Hegins Townships, **Schuylkill County**, affecting 1313.0 acres, receiving stream Good Spring Creek. Application received October 22, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

65840701. Adam Eidemiller, Inc. (1003 East Pittsburgh St., Greensburg, PA 15601), to renew the permit for the Crows Nest Wash Plant in Hempfield Township, **Westmoreland County**, no additional discharge. Application received October 15, 1996.

03841302. Canterbury Coal Company (R. D. 1, Box 119, Avonmore, PA 15618), to revise the permit for the DiAnne bituminous deep mine in Kiskiminetas Township,

Armstrong County, DiAnne #2 Shaft Site, receiving stream unnamed tributary to Carnahan Run. Application received October 17, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

10860105. Mahoning Mining Inc. (P. O. Box 44, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip operation in Slippery Rock and Worth Township, **Butler County** affecting 251.0 acres. Receiving streams Wolf Creek, unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application for reclamation only. Application received November 7, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received

37960304. Essroc Materials, Inc. (2nd Street, Bessemer, PA 16112). Commencement, operation and restoration of a sand, gravel and limestone operation in Bessemer Borough, **Lawrence County** affecting 874 acres. Receiving streams Hickory Creek. Application received October 30, 1996.

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

5074SM4C3. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), correction to existing limestone and dolomite quarry to revise reclamation plan in Fannett Township, **Franklin County**, affecting 40.25 acres, receiving stream unnamed tributary to Dry Run. Application received October 22, 1996.

8073SM4A2C. Pottstown Trap Rock Quarries, Inc. (394 Sanatoga Road, Pottstown, PA 19464), renewal of NPDES Permit #PA0594849 in Lower Pottsgrove Township, **Montgomery County**, receiving stream Sanatoga Creek. Application received October 22, 1996.

28960301. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), commencement, operation and restoration of a limestone and dolomite quarry operation in Fannett Township, **Franklin County**, affecting 68.1 acres, receiving stream unnamed tributary to Dry Run. Application received October 22, 1996.

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding, 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.

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

E08-306. Encroachment. **Scott Brown**, R. R. 1, Box 301A, Canton, PA 17724. To maintain a concrete culvert 18 feet by 9 feet by 20 feet in length in Beech Flats Creek on a private road off S. R. 3007 approximately 1/2 mile north of Road's Road (Canton, PA Quadrangle N: 3.25 inches; W: 8.25 inches) in Canton Township, **Bradford County**.

E18-227. Encroachment. **Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16630. Remove the existing structure and to construct and maintain a pre-cast concrete box culvert with a normal clear span of 20.0 feet and height of 7.0 feet with minimum underclearance of 6.0 feet with 1 foot depressed in the stream bed at a 75 degree skew right ahead on Stoney Run over S. R. 0144 about 1 mile north of S. R. 120 and 2) to construct a temporary stream crossing consisting of three 42 inch culverts (Renovo, PA Quadrangle N: 16.0 inches; W: 5.0 inches) in Noyes Township, **Clinton County**.

E14-297. Encroachment. **Daniel Green**, P. O. Box 696, Milesburg, PA 16853. To place and maintain fill in .2 acre of a 3 acre palustrine emergent/scrub-shrub wetland system for the purpose of constructing access roads, utilities, and buildable lot space for Snow Fountain Park an upscale mobile home park. The park encompasses 3.49 acres of land with 2.33 acres currently developed. The site is located one block from Kifer Road on Snow Fountain Drive (Bellefonte, PA Quadrangle N: 12.5 inches; W: 3.5 inches) in Boggs Township, **Centre County**.

EA57001NC. Environmental assessment. **Davidson Township Supervisors**, R. R. 1, Box 925, Muncy Valley, PA 17758. To remove an abandoned bridge on Township Road T-329 (Hoppy Road) which crosses Big Run and is listed as CWF (Cold Water Fishery) in Chapter 93, Water Quality Standards. A limited amount of work may be performed in the stream channel. The project site is located directly north of the Village of Sonestown (Sonestown, PA Quadrangle N: 20.2 inches; W: 7.65 inches) in Davidson Township, **Tioga County**.

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

E16-097. Encroachment. **DEP, Bureau of Abandoned Mine Reclamation**, P. O. Box 8476, Harrisburg, PA 17105-8476. To place fill in a total of 0.926 acre of five separate bodies of water and to place fill in a total of 1.54 acres of four separate wetland areas as part of an abandoned mine reclamation project (OSM 16(0823)101.1) and to eliminate 28 acres of abandoned strip mine area and to eliminate two dangerous highwalls with a total length of 2,500 linear feet. This project is associated with a tributary to Clarion River (CWF). The project is located in the village of West Freedom, approximately 2,000 feet southeast of the intersection of S. R. 0368 and S. R. 3001. This project will include the creation of 1.7 acres of

replacement wetlands adjacent to reclaimed mine, (Rimersburg, PA Quadrangle N: 18.7 inches; W: 16.5 inches) located in Perry Township, **Clarion County**.

E20-438. Encroachment. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. To construct and maintain a sewage treatment plant within the mapped FEMA floodway of French Creek located along the east side of S. R. 6/19 and immediately east of the northern foot of the Smock Memorial Bridge (Meadville, PA Quadrangle N: 0.7 inch; W: 4.4 inches) in the City of Meadville, Crawford County and to construct a sewage pump station within the mapped floodway of French Creek located at the foot of Clark Road (Meadville, PA Quadrangle N: 0.10 inch; W: 4.3 inches) in West Mead Township, Crawford County and to construct and maintain a 36-inch RCP treated sewage effluent outfall structure on the left (east) bank of French Creek (Meadville, PA Quadrangle N: 0.05 inch; W: 4.45 inches) located approximately 270 feet southwest of the existing Clark Street Pump Station located in West Mead Township, **Crawford County**.

E37-111. Encroachment. **Charles D. Leise**, R. D. 1, Box 2, New Wilmington, PA 16142. To build and maintain a single span steel I-beam bridge with a span of 20 feet with a maximum underclearance of six feet across a tributary to Little Neshannock Creek (TSF) to allow for private access. The project is located south of S. R. 0208 across a tributary to Little Neshannock Creek approximately 100 feet west of the New Wilmington Borough Boundary (New Castle North, PA Quadrangle N: 21.9 inches; W: 12.7 inches) located in Wilmington Township, **Lawrence County**.

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

EA10-008NW. Environmental assessment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17015-8476. To place fill in a total of 3.238 acres of six bodies of water and to place fill in a total of 0.535 acre of four wetland areas in order to reclaim two separate abandoned strip mine areas (OSM10(3795)101.1) and eliminate 3,500 linear feet of dangerous highwall. The project is located in the Buffalo Creek watershed (HQ-CWF) east of S. R. 1023 approximately 5,000 feet north of the intersection of S. R. 1023 and S. R. 0068. This project will include creation of a 0.54-acre replacement wetland adjacent to the reclamation project (Chicora, PA Quadrangle N: 17.5 inches; W: 14.9 inches) located in Fairview Township, **Butler County**.

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

E51-159. Encroachment. **Philadelphia International Airport**, Division of Aviation, Terminal E, Philadelphia, PA 19153. To place and maintain fill within the 100-year floodplain of the Delaware River (WWF-MF) associated with the construction of the Tidal Wetland Creation at Pennypack Park as mitigation for previously filled wetlands at the existing Philadelphia International Airport Runway 27R. This site is located approximately 2,600 feet south of the intersection of State Road and Ashburner Street (Frankford USGS Quadrangle N: 5.5 inches; W: 1.5 inches) in the City and County of Philadelphia.

E46-754. Encroachment. **Department of Transportation**, 200 Radnor Chester Road, St. Davids, PA 19087. To remove the existing dilapidated two span bridge which spans Minister Creek, and to construct and maintain a new 40-foot long single span concrete bridge, 36.33 foot wide and maximum underclearance of 10-foot which will impact a diminuous area of wetland. The site is located approximately 1,250 feet southwest of the intersection of S. R. 663 and Swamp Road (Sassamanville, PA Quadrangle N: 8.5 inches; W: 12.25 inches) in New Hanover Twp., **Montgomery County**.

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

E35-228A. Encroachment. **Lake Benton Soil Products, Inc.**, 2607 Milwaukee Road, Clarks Summit, PA 18411. To amend Permit No. E35-228 to authorize continued operation of a commercial peat extraction operation within approximately 15 acres of wetlands, and to authorize peat extraction within approximately 13 additional acres of wetlands located south of the existing permitted area, along a tributary to south branch Tunkhannock Creek (CWF). The project is located on the north side of S. R. 0107, approximately 0.75 mile west of S. R. 0081 (Dalton, PA Quadrangle N: 19.0 inches; W: 5.3 inches), in Benton Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-272. Encroachment. **James Carter**, 1216 Birch Street, Scranton PA 18505. To place fill in approximately 190 linear feet of auxiliary channel and the floodway of west branch Wallenpaupack Creek to protect an existing residence from flooding. The project is located 0.1 mile southeast of T399 and west branch Wallenpaupack Creek (Lake Ariel, PA Quadrangle N: 10.2 inches; W: 13.8 inches) in Jefferson Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-274. Encroachment. **Jefferson Township**, Box 448, R. D. 3, Lake Ariel, PA 18436. To construct and maintain approximately 1,381 linear feet of sanitary sewer line at 4 separate locations across 1.5 acres of PEM, SS, FO wetlands. The project is associated with the Jefferson Township proposed sanitary sewer system and is located at various locations (Olyphant, PA Quadrangle N: 9.0 inches; W: 0.5 inch) in Jefferson Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E45-306. Encroachment. **Michael Berardi, Sr.**, R. R. 5, Box 5199, East Stroudsburg, PA 18301. To place fill in the reservoir of a nonjurisdictional dam having a surface area of approximately 0.34 acre and a depth of 4.0 feet and to construct and maintain two outfall structures in the floodway of Pocono Creek (HQ-CWF). The project is located 300 feet west of S. R. 0611, approximately 0.75 mile south of the intersection of S. R. 0611 and S. R. 0715 (Mount Pocono, PA Quadrangle N: 6.1 inches; W: 7.4 inches) in Pocono Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

E45-309. Encroachment. **HRP Corporation, c/o Resorts USA**, P. O. Box 447, Bushkill, PA 18324. To construct and maintain a stormwater outfall channel along Sand Hill Creek (HQ-CWF), as part of Phase IV of the Fairway Villas Planned Residential Community. The project is located approximately 1,000 feet south of the intersection of S. R. 0209 and McCole Road (Bushkill, PA-NJ Quadrangle N: 12.0 inches; W: 6.1 inches) in Middle Smithfield Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

E45-310. Encroachment. **Connaught Laboratories, Inc.**, Route 611, P. O. Box 187, Swiftwater, PA 18370-0187. To modify and maintain two outfall structures in and along Swiftwater Creek (HQ-CWF) as follows: extend an existing 6-inch PVC treated wastewater outfall to discharge in the center of the channel, and relocate an existing stormwater outfall utilizing a riprap-lined outfall channel. The project is located approximately 0.3 mile downstream (east) of S. R. 0611 (Mount Pocono, PA Quadrangle N: 17.0 inches; W: 9.8 inches) in Pocono Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

E48-242. Encroachment. **Borough of Northampton**, 1401 Lanbach Avenue, Northampton, PA 18067. To construct and maintain a concrete box beam bridge (to be known as Lerchenmiller Drive Bridge) across Hokendauqua Creek (CWF) having a single span of 90.0 feet and an underclearance of approximately 15.0 feet to provide a secondary access for the Borough's fire station. The project is located at the end of Lerchenmiller Drive, approximately 400 feet south of Smith Street (Catasauqua, PA Quadrangle N: 10.5 inches; W: 15.9 inches) in the Borough of Northampton, **Northampton County** (Philadelphia District, Army Corps of Engineers).

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

E05-241. Encroachment. **Ken Burket**, R. D. 2, Box 347, Hollidaysburg, PA 16648. To maintain 3 barrels of 48 inch diameter corrugated galvanized steel pipes across an unnamed tributary to Raystown Branch Juniata River (locally called Todd Run) to provide continued access to the Burket and Charles Mackall, Jr. properties located about 1,300 feet north of the PA 56 and US 30 intersections (Bedford, PA Quadrangle N: 9.2 inches; W: 7.3 inches) in Bedford Township, **Bedford County**.

E07-271. Encroachment. **Howard Dilling**, R. D. 2, Box 219, Williamsburg, PA 16693. To remove an existing structure and to construct and maintain a single span bridge having a span of about 44 feet and an underclearance of about 5.5 feet across Clover Creek to access private property located about 2.8 miles south of the Borough of Williamsburg off Township Road T-400 (Williamsburg, PA Quadrangle N: 8.0 inches; W: 12.2 inches) in Woodbury Township, **Blair County**.

E07-272. Encroachment. **North Woodbury Township Supervisors**, Randall B. Huntsman, R. D. 1, Box 462, Blair County, Martinsburg, PA 16662. To construct about 125 lineal foot of stream channel and to construct and maintain about 665 lineal foot of two twin 71-inch x 47-inch corrugated metal pipe arch stream enclosure in an unnamed tributary to Clover Creek as part of a stormwater control project located in the village of Clover Creek (Martinsburg, PA Quadrangle N: 10.3 inches; W: 4.5 inches) in North Woodbury Township, **Blair County**.

E07-273. Encroachment. **Crossman, Castle, & Morina Partnership**, Joseph Crossman, 307 Coventry Court, Hollidaysburg, PA 16648. To place fill in 0.18 acre of wetlands in conjunction with the commercial development of 1.092 acres of property located along the north side of Scotch Valley Road (T-424) about 0.5 mile north of its intersection with S. R. 0022 (Hollidaysburg, PA Quadrangle N: 11.8 inches; W: 0.1 inch) in Hollidaysburg Borough, **Blair County**.

E07-274. Encroachment. **Richard and Patricia Fownes**, R. D. 3, Box 435K, Hollidaysburg, PA 16648. To

construct and maintain a single span bridge having a clear span of about 45 feet and an underclearance of about 7.5 feet across Blair Gap Run to provide access to private property located on the south side of S. R. 3012 about 500 feet east of its intersection with Township Road T-384 (Hollidaysburg, PA Quadrangle N: 8.2 inches; W: 9.4 inches) in Alleghany Township, **Blair County**.

E31-133. Encroachment. **Mount Union Borough**, Ken Daniel, 9 West Market St., Mount Union, PA 17066. To remove an existing bridge deck and to construct and maintain repairs to the existing abutments and a new single span bridge deck having a span of 22.0 feet and an underclearance of about 4.0 feet across Hill Valley Creek to provide a structurally safe bridge located on Moore Avenue in Mount Borough (Mount Union, PA Quadrangle N: 0.95 inch; W: 0.45 inch) in Mount Union Borough, **Huntingdon County**.

E44-80. Encroachment. **Constance K. Goss**, Box 772, R. D. 1, Milroy, PA 17063. To maintain a single span bridge having a span of about 31.6 feet and an underclearance of about 12 feet across Laurel Creek constructed under emergency permit EP 449603 located along S. R. 1001 about 0.1 mile southeast of its intersection with the Siglerville Road (Burnham, PA Quadrangle N: 15.1 inches; W: 8.5 inches) in Armagh Township, **Mifflin County**.

E67-576. Encroachment. **LBS Development Corporation**, Patrick K. Stambaugh, Vice President, 30 Ram Drive, Hanover, PA 17331. To permit a previously unpermitted 0.047 acre wetland fill located north of Timber Lane immediately east of Mountain Ash Drive in the Timberland II residential development (Hanover, PA Quadrangle N: 7.0 inches; W: 10.4 inches) in Penn Township, **York County**. The permittee is required to construct 0.094 acre of replacement wetlands.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval

and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

Certification Request Initiated By: Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3391.

Project Description: This project involves the discharge of 26 mgd of supernatant from the Ft. Mifflin Dredge Disposal Area. Sediments dredged from the Delaware River and Schuylkill River are placed in the Disposal Area. The sediments settle out and the supernatant is discharged back to the Schuylkill River. The following effluent limits apply:

	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow			
Total Suspended Solids			8,000
pH	6—9 std units at all times		
Total Arsenic	0.08 mg/l	0.12	
Total Antimony	0.016 mg/l	0.025	
Total Beryllium	not detectable		
Total Cadmium	0.0015 mg/l	0.002	
Total Copper	0.014 mg/l	0.02	
Hex Chromium	0.016 mg/l	0.025	
Total Lead	0.0035 mg/l	0.005	
Total Zinc	0.096 mg/l	0.15	
4,4'—DDT	not detectable		
4,4'—DDD	not detectable		
4,4'—DDE	not detectable		
Total PCBs	not detectable		

Final Action on Request: Certification granted.

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. PA0020541. Amendment No. 1. **Girard Borough**, 34 Main Street West, Girard, PA 16417 is authorized to discharge from a facility located in Girard Borough, **Erie County** to Elk Creek.

NPDES Permit No. PA0210668. Amendment No. 1. **Perseus House, Inc.**, 1946 W. 26th Street, Erie, PA 16508 is authorized to discharge from a facility located in Bloomfield Township, **Crawford County** to an unnamed tributary to Pine Hollow Run.

NPDES Permit No. PA0203811. **Northwest Sanitary Landfill**, 1436 W. Sunbury Road, West Sunbury, PA 16061 is authorized to discharge from a facility located in Cherry Township, **Butler County** to Findlay Run and an unnamed tributary to the south branch of Slippery Rock Creek.

NPDES Permit No. PA0100056. **Rose Point Park Campground**, R. D. 4, Box 410, New Castle, PA 16101 is authorized to discharge from a facility located in Slippery Rock Township, **Lawrence County** to Slippery Rock Creek.

NPDES Permit No. PA0101095. **Sportsman's Lodge**, R. D. 1, Box 133, Sigel, PA 15860 is authorized to discharge from a facility located in Spring Creek Township, **Elk County** to the Clarion River.

NPDES Permit No. PA0006351. **Armco, Inc.**, Sawhill Tubular Division, Clinton Street, Wheatland, PA 16161 is authorized to discharge from a facility located in Wheatland Borough, **Mercer County** to the Shenango River.

NPDES Permit No. PA0103152. **Hydro-Pac, Inc.**, Walter W. Robertson, Jr., P. O. Box 921, 7470 Market Road, Fairview, PA 16415 is authorized to discharge from a facility located in Fairview Township, **Erie County** to an unnamed tributary to Brandy Run.

NPDES Permit No. PA0043826. **United Erie Division of Interstate Chemical Company, Inc.**, 438 Huron Street, Erie, PA 16502 is authorized to discharge from a facility located in Erie, **Erie County** to City of Erie storm sewer (Myrtle Street) tributary to Presque Isle Bay.

NPDES Permit No. PA0210102. Sewage, **Brett Gassner**, 300 Gilkey Road, West Middlesex, PA 16159 is authorized to discharge from a facility located in Shenango Township, **Mercer County** to an unnamed tributary to Shenango River.

WQM Permit No. 2496402. Sewerage, **Dennis I. and Shirley A. Mitchell Young**, SRSTP, 14 Center Street,

Ridgway, PA 15853. Construction of Dennis I. and Shirley A. Mitchell Young SRSTP located in Ridgway Township, **Elk County**.

WQM Permit No. 4396414. Sewerage, **Gilbert Laird**, SRSTP, 3118 South Keel Ridge Rd., West Middlesex, PA 16159. Construction of Gilbert Laird SRSTP located in Shenango Township, **Mercer County**.

WQM Permit No. 6296410. Sewerage, **John and Deborah Young**, SRSTP, R. D. 2, Box 2204, Russell, PA 16345. Construction of John and Deborah Young SRSTP located in Pine Grove Township, **Warren County**.

WQM Permit No. 1096201. Industrial waste. **Armco, Inc.—Butler Works**, P. O. Box 832, Route 8 South, Butler, PA 16003-0832. This project is for plans to construct and operate two cooling ponds in Butler Township, **Butler County**.

WQM Permit No. 2596407. Sewage. **Girard Borough**, 34 Main Street West, Girard, PA 16417. This project is for the construction and operation of a proposed wastewater treatment plant in Girard Borough, **Erie County**.

WQM Permit No. 2096408. Sewage. **Perseus House, Inc.**, 1946 W. 26th Street, Erie PA 16508. This project is for the construction and operation of a proposed wastewater treatment facility in Bloomfield Township, **Crawford County**.

WQM Permit No. 4396412. Sewerage, **Janet Ziglear**, S. R. STP, 323 Sharon Bedford Rd., West Middlesex, PA 16159. Construction of Janet Ziglear S. R. STP located in Shenango Township, **Mercer County**.

Northcentral Regional Office, Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

NPDES PAG044909. Sewerage, **John and Colleen Dunkelberg**, R. D. 1, Box 187B, Spring Mills, PA 16875. Approval was granted for an NPDES permit to discharge from a single family residence sewage treatment system to discharge to Laurel Run. It is located in Gregg Township, **Centre County**.

NPDES PAG044910. Sewerage. **Kim A. and Janeen L. Oberdorf**, 133 North Second Street, Lewisburg, PA 17837. Approval was granted for an NPDES permit to discharge from a single family residence sewage treatment system located in Limestone Township, **Union County** to Penns Creek.

NPDES PA0031283. Sewerage. **West Branch Area School District**, R. R. 2, Box 194, Morrisdale, PA 16858-9312. Has renewed their permit to discharge from a facility located at Morris Township, **Clearfield County** to receiving waters named unnamed tributary of Flat Run.

WQM 1496412. Sewerage. **John and Colleen Dunkleberger**, R. D. 1, Box 187B, Spring Mills, PA 16875. Has approval to construct a single residence sewage treatment facility located in Gregg Township, **Centre County**.

WQM 6096405. Sewerage. **Kim A. and Janeen L. Oberdorf**, 133 North Second Street, Lewisburg, PA 17837. Has been approved to construct single resident sewage treatment facility located at Limestone Township, **Union County**.

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

NPDES Permit No. PA0216500. Amendment No. 2. Industrial waste, **Westinghouse Electric Corporation**, 11 Stanwix Street, Pittsburgh, PA 15222 is authorized to discharge from a facility located at Vanport Township, **Beaver County**.

NPDES Permit No. PA0023698. Sewage, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009 is authorized to discharge from a facility located at Vanport Water Pollution Control Plant, Vanport Township, **Beaver County** to Two Mile Run.

NPDES Permit No. PA0090247. Sewage, **North Union Township Municipal Services Authority**, P. O. Box 967, Uniontown, PA 15401 is authorized to discharge from a facility located at Lemont Furnace Sewage Treatment Plant, North Union Township, **Fayette County** to Cove Run.

NPDES Permit No. PA0097454. Sewage, **Colleen Shimel**, R. D. 3, Cedar Run Road, Allison Park, PA 15101 is authorized to discharge from a facility located at Colleen Shimel Single Residence Sewage Treatment Facility, Indiana Township, **Allegheny County** to Shafers Run.

NPDES Permit No. PA0204510. Sewage, **Carlton Motel & Restaurant**, R. D. 1, Box 94, Bentleyville, PA 15314 is authorized to discharge from a facility located at Carlton Motel & Restaurant Sewage Treatment Plant, Somerset Township, **Washington County** to an unnamed tributary of north branch Pigeon Creek.

Permit No. 0274402. Amendment No. 3. Sewerage, **Bethel Park Municipal Authority**, 5100 West Library Ave.—Municipal Building, Bethel Park, PA 15102. Construction of sewage treatment plant modifications located in the Township of South Park, **Allegheny County** to serve Piney Fork STP.

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

Permit No. 2889426. Sewerage. **Whitetail Resorts, L. P.**, 13805 Blairs Valley Road, Mercersburg, PA 17236. Amendment No. 1. Modification of construction of land application facilities in Montgomery Township, **Franklin County**.

Permit No. 2296404. Sewerage. **Mr. and Mrs. Peter Margie**, Lot 1H, Mountain Road Subdivision, 1185 Fairmont Drive, Harrisburg, PA 17112. Construction of sewage treatment facilities, outfall and headwalls in East Hanover Township, **Dauphin County**.

Permit No. 6796410. Sewerage. **Springfield Township**, Board of Supervisors, R. R. 2, Box 426, Seven Valleys, PA 17360. Construction of sewage treatment facilities and pump stations in Springfield Township, **York County**.

Permit No. 0668401. Sewerage. **Reading Acquisition Corporation, c/o Cambridge—Lee Industries, Inc.**, 500 Lincoln Street, Allston, MA 02135. Construction of sewage treatment facilities in Ontelaunee Township, **Berks County**.

Permit No. 2896403. Sewerage. **Cumberland Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257. Construction of sewers and appurtenances and pump stations in Southampton Township, **Cumberland County**.

Permit No. 0696406. Sewerage. **Cumru Township**, 1775 Welsh Road, Mohnton, PA 19540. Construction of pump station in Cumru Township, **Berks County**.

NPDES Permit No. PA0035653. Sewerage. **Department of Transportation**, Room 1112, Transportation and Safety Building, Harrisburg, PA 17120, is authorized to discharge from a facility located in Brush Creek Township, **Fulton County** to the receiving waters of an unnamed tributary to Brush Creek.

NPDES Permit No. PA0080209. Sewerage. **Hoffman Homes for Youth, Inc.**, 815 Orphanage Road, Littlestown, PA 17340 is authorized to discharge from a facility located in Mount Joy Township, **Adams County** to the receiving waters named Lousy Run.

NPDES Permit No. PA0027197. Sewerage. **The Harrisburg Authority**, One Keystone Plaza, Suite 104, Front and Market Streets, Harrisburg, PA 17101 is authorized to discharge from a facility located in the City of Harrisburg, **Dauphin County** to the receiving waters named Susquehanna River.

NPDES Permit No. PA0086860. Sewerage. **Springfield Township Board of Supervisors**, R. R. 2, Box 426, Seven Valleys, PA 17360 is authorized to discharge from a facility located in Springfield Township, **York County** to an unnamed tributary to east branch of Codorus.

NPDES Permit No. PAG043560. Sewerage/SFSTF. **Mr. and Mrs. Peter Margie**, Lot 1H, Mountain Road Subdivision, 1185 Fairmont Drive, Harrisburg, PA 17112, East Hanover Township, **Dauphin County** is authorized to discharge to a stream in Dauphin County.

NPDES Permit No. PA0012068. Sewerage. Amendment No. 1. Plant No. 2. **Reading Acquisition Corporation, c/o Cambridge-Lee Industries, Inc.**, 500 Lincoln Street, Allston, MA 02135, Ontelaunee Township, **Berks County** is authorized to discharge to the receiving waters named Schuylkill River.

NPDES Permit No. PA0034304. Sewerage. Amendment No. 1. Plant No. 4. **Reading Acquisition Corporation, c/o Cambridge-Lee Industries, Inc.**, 500 Lincoln Street, Allston, MA 02132, Ontelaunee Township, **Berks County** is authorized to discharge to the receiving waters named Schuylkill River.

NPDES Permit No. PA0084646. Sewerage. **Southern Fulton School District**, R. D. 2, Box 45, Warfordsburg, PA 17267-9601, Bethel Township, **Fulton County** is authorized to discharge to an unnamed tributary of White Oak Run.

NPDES Permit No. PA0083275. Industrial waste. **B & W Quality Growers, Inc.**, 17825, 79th Street, Fellsmere, FL 32948, North Newton Township, **Cumberland County** is authorized to discharge to the receiving waters named Green Spring Creek.

NPDES Permit No. PA0080641. Industrial waste. **B & W Quality Growers, Inc.**, 17825, 79th Street, Fellsmere, FL 32948, North Newton Township, **Cumberland County** is authorized to discharge to the receiving waters named Green Spring Creek.

NPDES Permit No. PA0008265. Industrial waste. **Appleton Papers, Inc.**, 100 Paper Mill Road, Roaring Spring, PA 16673-1488, Roaring Spring Borough, **Blair County** is authorized to discharge to the receiving waters named Franklin Branch.

NPDES Permit No. PA0087572. Industrial waste. **Williamstown Borough Authority**, P. O. Box 32, Williamstown, PA 17098, Williams Township, **Dauphin County** is authorized to discharge to the receiving waters of an unnamed tributary of Wiconisco Creek.

NPDES Permit No. PA0084395. Industrial waste. **Department of Corrections**, P. O. Box 200, Camp Hill, PA 17001-0200, Lower Allen Township, **Cumberland County** is authorized to discharge to the receiving waters named Cedar Run.

NPDES Permit No. PA0087297. Industrial waste. Amendment No. 1. **Petroleum Products Corporation**, P. O. Box 2621, Harrisburg, PA 17105, Monroe Township, **Cumberland County** is authorized to discharge to the receiving waters named Trindle Spring Run.

NPDES Permit No. PA0041033. Industrial waste. Amendment No. 2. **Petroleum Products Corporation**, P. O. Box 2621, Harrisburg, PA 17105, Blair Township, **Blair County** is authorized to discharge to the receiving waters of a drainage ditch to Dry Run.

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

Permit No. 1396402. Sewerage. **Alfred and Marie Cass, t/a Nis Hollow Estates**, 312 Lower Nis Hollow Drive, Lehighton, PA 18235. Permit to construct and operate an equalization tank at the existing sewage treatment plant, located in East Penn Township, **Carbon County**.

Permit No. 5296401. Sewerage. **Delaware Valley School District**, HC77, Box 379A, Milford, PA 18337. Permit to construct and operate an equalization tank at the existing sewage treatment plant, located in Westfall Township, **Pike County**.

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

Permit No. 0996415. Sewerage. **Warwick Township Water and Sewer Authority** (2581 York Road, P. O. Box 315, Jamison, PA 18929). Construction and operation of a pump station, force main and gravity sewers located in Warwick Township, **Bucks County** to serve the Country Crossing Residential Development.

Permit No. 0996407. Sewerage. **Warrington Township** (852 Easton Road, Warrington, PA 18976). Construction and operation of a sewage pumping station and force main located in Warrington Township, **Bucks County** to serve the Abom Tract.

Permit No. 1594204. Amendment No. 1. Sewerage. **Herr Foods, Inc.** (P. O. Box 300, Nottingham, PA 19362). Request to discontinue reporting the monitoring well analyses results on the Residual Waste Landfill and Disposal Impoundments Form 14R located in West Nottingham Township, **Chester County** to serve Storage Lagoon (Phase I).

Permit No. 4687431. Amendment No. 1. Sewerage. **Penthouse** (One East Penn Square, Philadelphia, PA 19107). Request to amend the subject permit to include approval to use a NORWECO 900 Singular system package sewage treatment plant located in Lower Merion Township, **Montgomery County** to serve 206 River Road.

NPDES Permit No. PA0051292. Industrial waste. **Municipal Authority of the Borough of Morrisville**, Ferry and River Roads, Morrisville, PA 19067 is authorized to discharge from a facility located in Lower Makefield Township, **Bucks County** into Delaware River (Zone 1E).

NPDES Permit No. PA0054275. Industrial waste. **Mobil Oil Corporation**, 10617 Braddock Road, Room

1080, Fairfax, VA 22032 is authorized to discharge from a facility located in Montgomery Township, **Montgomery County** into Little Neshaminy Creek.

NPDES Permit No. PA0055735. Amendment No. 1. Industrial waste. **Metro Machine of Pennsylvania, Inc.**, P. O. Box 1860, Norfolk, VA 23501 is authorized to discharge from a facility located in the City of Chester, **Delaware County** into (001-006) Delaware River, (007-009, 011) Ridley Creek.

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

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

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

PAS-10-3001. Individual NPDES. **Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To implement an Erosion and Sedimentation Control Plan for the reconstruction of 3.5 miles of US Route 522 (S. R.0522) from the Borough of Orbisonia north to the Borough of Shirleysburg on 48 acres in Shirley and Cromwell Townships and Shirleysburg Borough, **Huntingdon County**. The Project is located on US Route 522 (S. R.0522) beginning at Cromwell Street at the northern portion of Orbisonia Borough and extending north to Poor House Road in the Borough of Shirleysburg (Butler Knob, PA Quadrangle N: 3.7 inches; W: 1.7 inches). Drainage will be to Aughwick 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-D071	DeLuca Enterprises, Inc. 842 Durham Road Suite 200 Newtown, PA 18940	Warwick Township Bucks County	Unnamed Tributary to Little Neshaminy Creek
PAS10-G192	VIV Carlas, Inc. 101 Clarke Street West Chester, PA 19390	West Goshen Township Chester County	Taylor Run
PAS10-G216	Archdiocese of Philadelphia 222 North 17th Street Philadelphia, PA 19103	Downingtown Borough Chester County	East Branch Brandywine Creek
PAS10-G219	Stephen E. Cushman and Donald L. Marshman P. O. Box 294 Thorndale, PA 19372-0294	East Brandywine Twp. Chester County	East Branch Brandywine Creek
PAS10-T060	Newfield Development Corporation 401 City Avenue, Suite 710 Bala Cynwyd, PA 19004	Limerick Twp. Montgomery County	Mingo Creek

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	Dept. of Transportation 2-1 1924-30 Daisy Street P. O. Box 342 Clearfield, PA 16830	McKean County Hamlin & Lafayette Twps.	Kinzua Creek
PAS10E058	Bear Paw Properties, Inc. 108 Lakeland Drive Mars, PA 16046	Cranberry Twp. Butler County	Unnamed Tributary to Brush Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
Corl Farm Inc.	1535 N. Atherton St. State College, PA 16801	Ferguson Township Centre County	Big Hollow Run

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>
PAG048402	PAG-4	Dennis I. and Shirley Mitchell Young 14 Center Street Ridgway, PA 15853	Elk County Ridgway Twp.	Mason Creek	
PAG048412	PAG-4	John and Deborah Young R. D. 2, Box 2204 Russell, PA 16345	Warren County Pine Grove Twp.	Fairbanks Run	
PAG048411	PAG-4	Gilbert Laird 3118 South Keel Ridge Rd. West Middlesex, PA 16159	Mercer County Shenango Twp.	Unnamed Tributary to West Branch Little Neshannock	
PAR208352	PAG-3	ARC Metals Inc. P. O. Box 372, River Rd. Ridgway, PA 15853	Elk County Ridgway Twp.	Clarion River	3399
PAG048408	PAG-4	Janet Ziglear 323 Sharon Bedford Rd. W. Middlesex, PA 16159	Mercer Co. Shenango Twp.	Unnamed Tributary to Little Deer Creek	

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>
PAG066126	6	Carnegie Borough One Glass Street Carnegie, PA 15106	Allegheny Co. Carnegie Borough	Chartiers Creek	4952

Final Actions

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

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the 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.

Permits Issued

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR226117	Fay-Penn Fiber, Inc. 7505 Waters Avenue Suite F5 Savannah, GA 31406	Fayette Co. Georges Twp.	Railroad Ditch to Georges Creek Unnamed tributary to Georges Crk.	2493

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Richard Shudak at (717) 826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

Location: Hamlin Speedway, Salem Township, Wayne County.

Project Description: This commercial project will entail the construction of a hard-packed clay automobile race-track on a 61 acre parcel of land. The proposed usage will be seasonal; it will be open for a portion of the spring, summer and fall months. Associated with the racetrack will be a food concession stand with paper service only. The proposed wastewater flow of 1,950 gallons per event is based upon 1,300 people at 1.5 gallons per person. A spray irrigation Small Flow Treatment Facility (SFTF) with a 1.5 acre spray field will provide sewage treatment.

This project is located to the northeast of the intersection of T-331 and S. R. 3004 in Salem Township, Wayne County, Pennsylvania.

Location: Lehigh Valley South Industrial Park, located West of Schoeneck Road (T-480) and North of Alburts

Road (S. R.-302) approximately 806 feet southwest of Route 100 in Lower Macungie Township, **Lehigh County.**

Project Description: This project proposes a 21 lot industrial development consisting of warehousing and light manufacturing on a 119.0 acre tract to be constructed in two phases. Phase I will be Lot 21 and Phase II will consist of the remainder of the project. The proposed 119,000 gpd of sewage flows will be collected by a gravity line connecting into an existing Lehigh County Authority interceptor for conveyance to the City of Allentown Wastewater Treatment Plant. Public water will be provided to the project by Lehigh County Authority.

Southcentral Regional Office, Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110-3999.

Location: Lewis Sovonick III Single Residence STP. Located at 140 McDonald Road; on the north side of McDonald Road approximately 1.0 mile west of its intersection with State Route 220, Freedom Township, **Blair County.**

Project Description: Approval of a revision to the official sewage plan of Freedom Township, Blair County. Project involves construction of a small flow sewage treatment facility to serve an existing single residential dwelling located on McDonald Road. Treated effluent is to be discharged to an unnamed tributary of McDonald Run.

Any required NPDES permits or WQM permits must be obtained in the name of the owner.

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 the Commonwealth.

Southeast Regional Office, Bureau of Water Supply and Community Health, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.

Permit Issued

WA 15-182D. Water allocation. City of Coatesville Authority, **Chester County.** The right to withdraw a maximum of 4 million gallons per day from west branch Brandywine Creek.

Type of Facility: Surface Water Treatment Plant

Consulting Engineer: Mr. Duerr, Robert F. Harsch & Associates, Inc.

Permit Issued: October 25, 1996

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

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

Permit No. 1596503. Public water supply. **West Chester Area Municipal Authority**, 990 Fern Hill Road, West Chester, PA 19380-4204. A permit has been issued for the installation of a mixed oxidant generation system (MIOX) for potable water disinfection, and addition of polyphosphate for corrosion control, at the White Well Station in East Bradford Township, **Chester County**.

Type of Facility: Public water.

Consulting Engineer: Acer Engineers, 990 Fern Hill Road, West Chester, PA 19380.

Permit to Construct Issued: October 23, 1996.

Permit No. 2396501. Public water supply. **Chester Water Authority**, Fifth and Welsh Streets, P. O. Box 467, Chester, PA 19016. Chester Water Authority has been approved to construct a 10 million gallon finished water storage tank to be known as Village Green Tank No. 9 in Aston Township, **Delaware County**.

Type of Facility: Surface Water Treatment Plant.

Consulting Engineer: Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100.

Permit No. 4696507. Public water supply. **PECO Energy, Walter G. MacFarland**, P. O. Box 2300, Sanatoga, PA 19464-0920. A permit has been issued for the installation of a poly-orthophosphate blend feed system to reduce lead and copper concentrations in the drinking water system at the PECO Energy Training Center in Pottstown Borough, **Montgomery County**.

Type of Facility: Public water.

Consulting Engineer: Junkins Engineering Inc., 200 Bethlehem Drive, Morgantown, PA 19543.

Permit to Construct Issued: November 5, 1996.

Permit No. 4696508. Public water supply. **PECO Energy, Walter G. MacFarland**, P. O. Box 2300, Sanatoga, PA 19464-0920. A permit has been issued for the installation of a poly-orthophosphate blend feed system to reduce lead and copper concentrations in the drinking water system at the Limerick Generating Station in Pottstown Borough, **Montgomery County**.

Type of Facility: Public water.

Consulting Engineer: Junkins Engineering Inc., 200 Bethlehem Drive, Morgantown, PA 19543.

Permit to Construct Issued: November 5, 1996.

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

Permit No. 5696506. Public water supply. **Addison Borough Water Authority**, P. O. Box 13, Addison, PA 15411.

Type of Facility: White Creek Well No. 1.

Permit to Construct Issued: October 28, 1996.

Permit No. 1196504. Public water supply. **Greater Johnstown Water Authority**, 111 Roosevelt Boulevard, Johnstown, PA 15907.

Type of Facility: Viewmont Booster Pump Station.

Permit to Construct Issued: November 6, 1996.

Permit No. 5696504. Public water supply. **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963.

Type of Facility: Lower Clear Shade Wellfield—wells #95-1 and 88-2.

Permit to Construction Issued: October 28, 1996.

Permit No. 465W010-A1. Public water supply. **Mount Morris Water and Sewage Authority**, P. O. Box 340, Mount Morris, PA 15349.

Type of Facility: Mount Morris chlorine booster station.

Permit to Operation Issued: October 28, 1996.

Permit modified 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 Permits No. WMGR017, WMGR017M001 and WMGR017D001 issued June 16, 1995, and May 10, 1996 for the beneficial use of drinking water treatment plant sludge as a soil conditioner on agricultural land. The Department changed the sodium (Na) level of 50 mg/kg in Condition No. 2 of the permit to 3,500 mg/kg. The permits were modified in Central Office on November 5, 1996.

General Permits No. WMGR002, WMGR002D001 and WMGR002D002 issued February 4, 1994, March 17, 1995, and February 13, 1996, respectively, for the beneficial use of paper and pulp mill wastewater treatment sludge as a soil additive to facilitate revegetation on disturbed land at permitted and at abandoned mine sites. The Department modified the permit by adding a condition that requires permittees to submit a chemical analysis for each new source of paper and pulp mill wastewater treatment sludge to the Department within 15 days prior to waste application. The permits were modified in Central Office on November 5, 1996.

Notice of Intent Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to grant a hazardous waste determination of applicability permit-by-rule.

Southcentral Regional Office, Regional Program Manager, One Ararat Boulevard, Harrisburg, PA 17110.

PAR000024695. Meadowbrook Coal Company, Inc., J & L Briquettes, 6690 State Route 209, Lykens, PA 17048. The Department intends to grant a hazardous waste permit by rule determination of applicability to J&L Briquettes for a recycling operation involving the reuse of electric arc furnace dust from steel making operations by forming the dust, mill scale and binder materials into briquettes to be returned to the steel manufacturing plant.

Persons wishing to comment on the proposed decision are invited to submit a statement to Robert G. Benven, Facilities Manager, Southcentral Regional Office, Waste Management Program, One Ararat Boulevard, Harris-

burg, PA 17110. Persons interested in examining the draft decision and supporting documentation may make arrangements by calling the Waste Management Program at (717) 657-4588. 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 documents. A public hearing may be held if the Department considers the public response significant. Public comments must be submitted within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the permit by rule.

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

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

The Department has received the following final reports:

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

Pennsylvania Power & Light Company (PP&L)—distribution pole #56526N50832, North Abington Township, **Lackawanna County**, PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant remediated the site to meet the Statewide health standard.

Pennsylvania Power & Light Company (PP&L)—distribution pole #56095N49849, Abington Township, **Lackawanna County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to be contaminated with polychlorinated biphenyls (PCBs). The applicant remediated the site to meet the Statewide health standard.

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: 39-309-050

Source: #2 Packhouse With Baghouse
Company: **Lafarge Corporation**
Location: Whitehall Township
County: **Lehigh**

Permit: 39-309-051

Source: #4 Packhouse With 2 Baghouses
Company: **Lafarge Corporation**
Location: Whitehall Township
County: **Lehigh**

Permit: 45-318-026

Source: Paperboard Rod Coater
Company: **Rock-Tenn Company**
Location: Smithfield Township
County: **Monroe**

Permit: 48-303-008

Source: Asphalt Batch Plant W/Baghouse
Company: **Eastern Industries Incorporated**
Location: East Allen Township
County: **Northampton**

Permit: 48-303-011

Source: Batch Asphalt Plant W/Baghouse
Company: **Eastern Industries Incorporated**
Location: Upper Mt. Bethel Township
County: **Northampton**

The Department has issued an air quality operating permit to **Lindy Paving Inc.** (R. D. 3, Box 2A, Northgate Industrial Park, New Castle, PA 16105) for the operation of an asphalt drum mix plant, on Market Rd. near the intersection of I-90 and S. R. 98, in Fairview Township, **Erie County**. This source is subject to New Source Performance Standard 40 CFR, Part 60 Subpart I.

Permit: 13-399-004A

Source: Calcine Feed Storage W/Baghouse
Issued: October 31, 1996
Company: **Horsehead Resource Development Co.**
Location: Palmerton Borough
County: **Carbon**

Permit: 13-399-005

Source: Steel Descale/ Fabric Filter
Issued: October 22, 1996
Company: **Horsehead Resource Development Co.**
Location: Palmerton Borough
County: **Carbon**

Permit: 35-318-078

Source: Graphite/Iron Ox Coat W/Scrubbers
Issued: October 28, 1996
Company: **Thomson Consumer Electronics**
Location: Dunmore Borough
County: **Lackawanna**

Permit: **39-307-004B**
 Source: 2 Furn/Ladle/Mullers W/2 Baghouses
 Issued: October 16, 1996
 Company: **Ransom Industries Incorporated**
 Location: Macungie Borough
 County: **Lehigh**

Permit: **40-318-047**
 Source: 2 Paint Spray Booths W/Filters
 Issued: October 23, 1996
 Company: **Altec Industries Incorporated**
 Location: Plains Township
 County: **Luzerne**

Permit: **48-399-040**
 Source: Digester Gas/Flare
 Issued: October 22, 1996
 Company: **City of Bethlehem**
 Location: City of Bethlehem
 County: **Lehigh**

Permit: **54-302-059**
 Source: 3-355 hp Bryan Gas/Oil Boilers
 Issued: October 25, 1996
 Company: **US Department of Justice**
 Location: Minersville Borough
 County: **Schuylkill**

Permit: **54-305-017**
 Source: Anthracite Coal Screening Plant
 Issued: October 25, 1996
 Company: **Northeastern Power Company**
 Location: Kline Township
 County: **Schuylkill**

Permit: **54-310-009A**
 Source: Portable Rock Crusher/Screen Plt.
 Issued: October 24, 1996
 Company: **Huss Contracting Company**
 Location: West Penn Township
 County: **Schuylkill**

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

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

The Department intends to transfer 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: **23-313-033, 23-313-034, 23-313-035, 23-313-036**
 Source: Plastic Processing Systems
 Company: **Custom Compounding—Division of Dyneon, LLC**
 Location: Chester
 County: **Delaware**

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

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

06-1040A. On October 30, 1996, the Department issued a Plan Approval to **East Penn Mfg. Co., Inc.** (P. O. Box

147, Lyon Station, PA 19536-0147) for the construction of a secondary lead smelter with a wet packed bed scrubber and fabric collector at their Smelter Plant in Richmond Township, **Berks County**. The sources are subject to 40 CFR 63, Subpart X, National Emission Standards for Hazardous Air Pollutants.

06-323-019. On October 29, 1996, the Department issued a Plan Approval to **Troutman Industries, Inc.** (2201 Portland Avenue, West Lawn, PA 19609) for the installation of a hard chrome operation with mist eliminator at their West Lawn Plant in Spring Township, **Berks County**. The source is subject to 40 CFR 63, Subpart N, National Emissions Standards for Hazardous Air Pollutants.

31-310-025C. On October 30, 1996, the Department issued a Plan Approval to **U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411) for the modification of a silica sandstone dry screening operation controlled by a fabric collector at their Keystone Plant in Brady Township, **Huntingdon County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

43-304-014. On November 5, 1996, a Plan Approval was issued to **Hodge Foundry, Division of Svedala Industries**, (P. O. Box 550, Greenville, PA 16335) for a baghouse at Hempfield Township, **Mercer County**.

25-317-004C. On October 18, 1996, a Plan Approval was issued to **Van de Kamp's, Inc.** (P. O. Box 10367, Erie, PA 16514) for fryers at Erie, **Erie County**.

24-327-004. On October 30, 1996, a Plan Approval was issued to **Keystone Thermometrics** (973 Windfall Rd., St. Marys, PA 15857) for degreasers at St. Marys, **Elk County**.

Notice of Plan Approval Application Minor Source

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

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

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

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

61-313-009. The Department received a plan approval application for construction of a new batch chemical reactor and installation of a venturi scrubber by **OMG Americas**, (P. O. Box 111, Franklin, PA 16323) in Sugar creek Boro, **Venango County**.

62-312-036. The Department received a plan approval application for installation of a fixed roof over each of the two bays of the API separator and ductwork connecting the roofs to the No. 1, 2, and 3 boilers by **United Refining Company** (P. O. Box 780, Warren, PA 16365) in Warren, **Warren County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

14880103. Lobb Mining (Box 271, Boalsburg, PA 16827), major permit modification to an existing bituminous surface mine permit to apply biosolids to enhance vegetation, Curtin and Beech Creek Townships, **Centre and Clinton Counties**, affecting 58.6 acres, application received July 1, 1996, permit issued October 18, 1996.

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

54851317R2. Rhen Coal Co., (R. D. 3, Box 21, Pine Grove, PA 17963), renewal of an existing anthracite deep mine operation in Reilly Township, **Schuylkill County** affecting 2.5 acres, receiving stream none. Renewal issued October 28, 1996.

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

56910104. Permit renewal, **Hardrock Coal Company** (R. D. 1, Box 347, Berlin, PA 1553), commencement, operation and restoration of a bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 133.4 acres, receiving stream unnamed tributary to Tub Mill Run; unnamed tributary to Casselman River, application received August 20, 1996, permit issued October 31, 1996.

11960107. T. J. Mining, Inc. (P. O. Box 370, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip mine in Cresson Township, **Cambria County**, affecting 62.0 acres, receiving stream unnamed tributary to Burgoon Run, application received July 16, 1996, permit issued November 4, 1996.

11960105. E. P. Bender Coal Company, Inc. (P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip-auger mine in Reade and Beccaria Townships, **Cambria and Clearfield Counties**, affecting 440 acres, receiving

stream Turner Run and Clear Creek, Clearfield Creek, application received May 10, 1996, permit issued November 4, 1996.

32960104. D. J. & W. Mining, Inc. (P. O. Box 425, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip-auger mine in Rayne Township, **Indiana County**, affecting 71.0 acres, receiving stream Brush Run and Crooked Creek, application received August 7, 1996, permit issued November 4, 1996.

11960101. Cloe Mining Company, Inc. (P. O. Box 247, Barnesboro, PA 15714), commencement, operation and restoration of a bituminous strip mine in Reade Township, **Cambria County**, affecting 107.0 acres, receiving stream unnamed tributaries to Muddy Run and Muddy Run, application received January 5, 1996, permit issued November 6, 1996.

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

65960107. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and restoration of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 460 acres. Receiving streams unnamed tributaries to Laurel Run and Jacobs Creek and Jacobs Creek. Application received April 18, 1996. Permit issued October 25, 1996.

65900101R. Freeport Coal Co., Inc. (173 Pine Run Church Road, Apollo, PA 15613). Permit issued for reclamation only of a bituminous surface mine located in Washington Township, **Westmoreland County**, affecting 224.5 acres. Receiving streams unnamed tributary to Beaver Run and Beaver Run to Kiskiminetas River. Application received October 11, 1996. Renewal issued October 25, 1996.

65960104. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Rostraver Township, **Westmoreland County**, affecting 41.0 acres. Receiving streams unnamed tributary to the Monongahela River. Application received February 26, 1996. Permit issued October 30, 1996.

03910104R. General Mining, Inc. (R. D. 2, Box 194, Avonmore, PA 15618). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in Plumcreek Township, **Armstrong County**, affecting 59.0 acres. Receiving streams two unnamed tributaries to Cherry Run. Renewal application received September 5, 1996. Renewal permit issued November 6, 1996.

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

17930128. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), transfer of an existing bituminous surface mine-auger permit from Thomas Coal Co., Inc., Penn Township, **Clearfield County** affecting 106.2 acres, receiving streams unnamed tributaries to Bell Run to west branch Susquehanna River, application received June 26, 1996, permit issued October 29, 1996.

17823190. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), transfer of an existing bituminous surface mine permit from M. B. Energy, Inc., Bell Township, **Clearfield County** affecting 321 acres, receiving streams unnamed tributary of Curry Run to Curry Run and Curry Run to west branch Susquehanna River to Susquehanna River, application received June 3, 1996, permit issued October 29, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

30841317. Consol Pennsylvania Coal Company, (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork bituminous deep mine in Morris Township, **Greene County** to add two water handling boreholes, no additional discharge. Permit issued November 7, 1996.

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

Noncoal Permits Issued

7975SM4C. Edison Quarry, Inc., (25 Quarry Road, Doylestown, PA 18901), renewal of NPDES Permit #PA0594270 in Doylestown Township, **Bucks County**, receiving stream Neshaminy Creek. Renewal issued October 31, 1996.

22880302C. Haines & Kibblehouse, Inc., (2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit #PA0594211 in Lower Swatara Township, **Dauphin County**, receiving stream Swatara Creek. Renewal issued October 31, 1996.

6476SM12C3. N L Minich & Sons, (730 North College Street, Carlisle, PA 17013), renewal of NPDES Permit #PA0612464 in North Middleton Township, **Cumberland County**, receiving stream Meeting House Run to Conodoguinet Creek. Renewal issued October 31, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

10960302. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone operation in Marion Township, **Butler County** affecting 1,151.0 acres. Receiving streams unnamed tributary to north branch Slippery Rock Creek, and three unnamed tributaries to Black Creek. Application received March 4, 1996. Permit issued October 31, 1996.

302551-10960302-E-1. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to mine through 650 feet of unnamed tributary #3 and 200 feet of unnamed tributary #11 to Blacks Run with replacement consisting of the construction and maintenance of permanent impoundment A and 600 feet of stormwater runoff channel in Marion Township, **Butler County**. Receiving streams unnamed tributary to north branch Slippery Rock Creek; and three unnamed tributaries to Black Creek. Application received March 4, 1996. Permit issued October 31, 1996.

302251-10960302-E-2. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities no closer than 50 feet to unnamed tributary #8 to the north branch Slippery Rock Creek for the purposes of support facility construction and maintenance in Marion Township, **Butler County**. No mineral extraction may be conducted closer than 100 feet to the stream. Receiving streams unnamed tributary to north branch Slippery Rock Creek; and three unnamed tributaries to Black Creek. Application received March 4, 1996. Permit issued October 31, 1996.

302251-10960302-E-3. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities no closer than 50 feet to unnamed tributary #10 to the north

branch Slippery Rock Creek in Marion Township, **Butler County**. Receiving streams unnamed tributary to north branch Slippery Rock Creek; and three unnamed tributaries to Black Creek. Application received March 4, 1996. Permit issued October 31, 1996.

302251-10960302-E-4. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct and maintain a haulroad crossing over unnamed tributary #3 to Blacks Creek in Marion Township, **Butler County**. Receiving stream unnamed tributary to north branch Slippery Rock Creek; and three unnamed tributaries to Black Creek. Application received March 4, 1996. Permit issued October 31, 1996.

302251-10960302-E-5. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities no closer than 50 feet of unnamed tributary #4 to Blacks Creek for the purposes of support facility construction and maintenance; and for the construction and maintenance of permanent impoundment N at the headwaters of unnamed tributary #4 to Blacks Creek in Marion Township, **Butler County**. No mineral extraction may be conducted no closer than 100 feet. Receiving streams unnamed tributary to north branch Slippery Rock Creek; and three unnamed tributaries to Black Creek. Application received March 4, 1996. Permit issued October 31, 1996.

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

Large Noncoal Applications Issued

07960301. Grannas Brothers Stone & Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648), commencement, operation and restoration of a noncoal mine in Catharine Township, **Blair County**, affecting 195.0 acres, receiving stream unnamed tributary to Frankstown Branch Juniata River and Frankstown Branch Juniata River, application received February 5, 1996, permit issued October 30, 1996.

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

Coal Applications Cancelled/Returned

11960901. Laurel Land Development, Inc. (P. O. Box 629, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip mine in Jackson Township, **Cambria County**, affecting 5.7 acres, receiving stream Bracken Run, and unnamed tributary to Hinckston Run, application received July 30, 1996, application returned November 1, 1996.

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

Noncoal Applications Returned

65950301. Tasman Development Co., Ltd. (1301 Fox Chapel Road, Pittsburgh, PA 15238). Application returned for commencement, operation and reclamation of a large noncoal surface mine located in Latrobe Borough, **Westmoreland County**, proposed to affect 8.63 acres. Receiving streams Loyalhanna Creek and unnamed tributaries. Application received April 3, 1995. Application returned October 22, 1996.

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

Small Noncoal Applications Cancelled/Returned

29960801. P & W Excavating, Inc. (P. O. Box 712, McConnellsburg, PA 17233), shale pit in Todd Township, **Fulton County**, affecting 11.43 acres, receiving stream unnamed stream to Cove Creek, application received September 13, 1996, cancelled/returned November 6, 1996.

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

Industrial Waste Permits Issued

366M010. Allegheny River Land Co., Inc. (P. O. Box 188, Ivel, KY 41642). Transfer from Allegheny River Mining to Allegheny River Land Co., Inc. of an existing Industrial Waste Permit located in South Buffalo Township, **Armstrong County**. Receiving streams unnamed tributary to the Allegheny River. Transfer application received September 23, 1996. Transfer issued November 6, 1996.

0381201. Allegheny River Land Co., Inc. (P. O. Box 188, Ivel, KY 41642). Transfer from Allegheny River Mining to Allegheny River Land Co., Inc. of an existing Industrial Waste Permit located in Cadogan Township, **Armstrong County**. Receiving streams Bruner Run to the Allegheny River. Transfer application received September 23, 1996. Transfer issued November 6, 1996.

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

Small Industrial Mineral Authorizations Granted

53960804. Robert H. Ostrom (R. D. 1, Box 396, Roulette, PA 16746), commencement, operation and restoration of a Small Industrial Mineral (Flagstone) Permit in Roulette Township, **Potter County** affecting 2 acres, application received May 15, 1996, authorization granted October 25, 1996.

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, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

E09-684. Encroachment. **Milford Township**, P. O. Box 86, Spinnerstown, PA 18951. To remove an existing 27-foot × 3.5-foot bridge and to construct and maintain a 13.5-foot × 4.5-foot twin cell box culvert across Barrel Run Creek on Creamery Road located approximately 0.4 mile south of the intersection of Creamery Road and Hillcrest Road (Milford Square, PA Quadrangle N: 7.9 inches; W: 2.0 inches) in Milford Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E09-722. Encroachment. **Douglas Morgan**, 1634 Ninth Street, Bethlehem, PA 18017. To place fill in a diminimus amount of wetland (PFO) to provide an access road to a single residential dwelling. The site is located approximately 0.25 mile north of Pleasant Valley Village (Hellertown, PA Quadrangle N: 5.00 inches; W: 6.25 inches) in Springfield Township, **Bucks County**.

E15-259. Encroachment. **Department of Transportation**, 200 Radnor—Chester Road, St. Davids, PA 19087. To reissue permit E15-259 which authorizes the removal of the existing structure and to construct and maintain a 91-foot long twin-celled, 6-foot high by 20-foot wide (each) R. C. box culvert and to place and maintain riprap in and along the channel of Valley Creek (CWF, MF). This structure is situated at a point on S. R. 0030, Section 375, Station 1012+95. (The culvert inverts are depressed up to 1 foot beneath the existing streambed, with a low channel incorporated into the west cell and a 12-inch high diversionary weir placed at the upstream end of the east cell). This structure is located in West Whiteland Township, **Chester County** (Downingtown, PA Quadrangle N: 5.15 inches; W: 0.1 inch).

E46-739. Encroachment. **R.C.C. Associates**, P. O. Box 270, Newtown, PA 18940-0270. To construct and maintain a stormwater management facility and associated outlet structure which consists of 285 feet of 18-inch reinforced concrete pipe which will impact 0.11 acre of wetlands (PEM). This outlet pipe will connect to an existing stream enclosure located in and along an unnamed tributary to Pennypack Creek (TSF-MF). This work is associated with the proposed Rydal Green Subdivision located 150 feet east of the intersection of Susquehanna Road (S. R. 2017) and Marie Road (Frankford USGS Quadrangle N: 18.0 inches, W: 13.20 inches) in Abington Township, **Montgomery County**. This permit requires the construction of 0.11 acre of replacement wetlands. Issuance of this permit constitutes approval of Environmental Assessment for a nonjurisdictional earthen stormwater detention dam proposed at the project site.

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

E37-110. Encroachment. **Pulaski Township Supervisors**, Pulaski, PA 16143. To remove the existing concrete arch and to construct and maintain a 22-foot wide by 8.5-foot high waterway opening R. C. box culvert in a tributary to Deer Creek on Tanglewood Road (T-621) approximately 350 feet north of S. R. 208 near New Bedford (Edinburg, PA Quadrangle N: 18.9 inches; W: 16.1 inches) located in Pulaski Township, **Lawrence County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E10-243. Encroachment. **FYT Associates, Limited Partnership**, 215 Executive Drive, Cranberry Township, PA 16066. To fill 0.83 acre of wetland for the construction of a hotel/office/restaurant facility between Commonwealth Drive and the Pennsylvania Turnpike south of Freedom Road (S. R. 3020) (Mars, PA Quadrangle N: 10.75 inches; W: 15.4 inches) in Cranberry Township, **Butler County**. This project includes the onsite construction of 1.0 acre of replacement wetland within the impoundment of a nonjurisdictional dam partially constructed within the floodway of Brush Creek extending upstream from Commonwealth Drive.

E33-174. Encroachment. **Borough of Brockway**, 501 Main Street, Brockway, PA 15824. To rehabilitate and maintain the existing abandoned railroad bridge having 6 steel beam spans and a center steel truss span of approximately 102 feet and a maximum underclearance of approximately 16 feet across Little Toby Creek approximately 1,300 feet downstream of S. R. 28 (Carman, PA Quadrangle N: 0.4 inch; W: 6.45 inches) in Brockway Borough, **Jefferson County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E43-252. Encroachment. **George and John Kraynak**, 2525 East Street, Hermitage, PA 16148. To construct and maintain a 20-foot wide by 4-foot high by 60-foot long concrete box culvert in Margargee Run and 0.097 acre of associated wetland approximately 250 feet upstream of S. R. 62 for the construction of a private driveway approximately 2,000 feet east of Neshannock Road (Sharon East, PA Quadrangle N: 20.3 inches; W: 2.2 inches) in City of Hermitage, **Mercer County**. This project includes the construction of 0.3 acre of replacement wetland on site.

Environmental Assessment Approvals and Actions on 401 Certifications

EA24-002NW. Environmental assessment. **James P. Girty**, 1339 Glen Hazel Road, St. Marys, PA 15857. To spread and place ten tons of Agricultural lime within the floodway and floodplain of Rocky Run (CWF) as part of a pilot watershed pH improvement project. It is anticipated that the lime application will occur from the headwaters to approximately 3,000 feet upstream of the confluence of Rocky Run and Elk Creek. Rocky Run is located north of the village of Daguscahonda (Ridgway, PA Quadrangle N: 10.8 inches; W: 40 inches) located in Ridgway Township, **Elk County**.

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

E52-055. Encroachment. **David Katz**, P. O. Box 291, Sparta, NJ 07871. To maintain an existing 8-foot diameter 120-foot long C.M.P. stream enclosure, to place riprap

and concrete on the downstream end of the stream enclosure to eliminate an existing plunge pool and to construct and maintain a concrete baffle fish ladder through the stream enclosure in a tributary to the Delaware River. This project is located approximately 1,200 feet northwest of the intersection of Rosetown Trail and S. R. 1010 (Port Jervis South, PA Quadrangle N: 19.4 inches; W: 14.2 inches) in Westfall Township, **Pike County**.

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

E05-239. Encroachment. **Harold E. Wertz**, Bedford County, R. D. 1, Box 160, Manns Choice, PA 15550. To remove the five existing 3 foot diameter corrugated metal pipe culvert and to construct and maintain a steel beam and concrete the deck bridge having a clear span of 24 feet with an underclearance of 3 feet across an unnamed tributary to Raystown Branch Juniata River located about 0.9 mile north of the PA 96 and 31 intersection in Manns Choice (Bedford, PA Quadrangle N: 2.6 inches; W: 12.7 inches) in Harrison Township, **Bedford County**.

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

E47-056. Encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a two span continuous prestressed concrete box beam bridge with a clear span of 100.72 feet at a 53 degree skew and minimum underclearance of 9.9 feet over the Chillisquaque Creek on S. R. 3003 approximately 1.25 miles south of S. R. 254 (Washingtonville, PA Quadrangle N: 3.75 inches; W: 13.8 inches) in Liberty Township, **Montour County**.

E55-141. Encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a two span composite prestressed adjacent box beam bridge on two concrete cantilever abutments and one reinforced concrete pier with the normal clear spans being 51.3 feet, a minimum underclearance of 10.3 inches and a 82 degree skew across Middle Creek at a location approximately 100 feet west of the intersection of S. R. 0522 and S. R. 0104 (Middleburg, PA Quadrangle N: 7.0 inches; W: 6.12 inches) in Middleburg Borough, **Snyder County**.

E59-324. Encroachment. **Tennessee Gas Pipeline Co.**, 2000 Corp. Dr., Suite 200, Wexford, PA 15090. Rehabilitate, maintain and operate a 24 inch diameter, high-pressure natural gas pipeline, referred to as L300-1 Line across Long Run and associated wetlands located approximately 6 road miles north on S. R. 0349 from S. R. 0006 (Sabinville, PA Quadrangle N: 15.4 inches; W: 9.1 inches) in Clymer Township, **Tioga County**.

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.

Northwest Regional Office, Regional Water Management Program Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

Permits Issued

WA 43-1001. Water allocation. **South Pymatuning Township Board of Supervisors**, 3483 Tamarack

Drive, Sharpsville, PA 16150. Grants the right to purchase 181,000 gpd from the Borough of Sharpsville, located in South Pymatuning Township, **Mercer County**.

Type of Facility: Township Authority, Subsidiary Water Allocation.

Consulting Engineer: Edward A. Winslow, Jr., PE/PLS, President, E. A. Winslow and Associates, Inc., 220 Hickory Street, Sharpsville, PA 16150-2296.

Permit Issued: November 7, 1996.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Ronald Barber	701 Third Street Hanover, PA 17331	Testing
H. Edward Carr, Jr. EIC, Inc.	780 Eden Road Lancaster, PA 17601	Mitigation
Pak Man Chan	2973 Kings Land Lancaster, PA 17601	Testing
Daniel Festa Festa Radon Technologies Company	208 Charlemma Drive Pittsburgh, PA 15214	Mitigation
Daryl Festa Festa Radon Technologies Company	208 Charlemma Drive Pittsburgh, PA 15214	Testing
Thomas W. Fleck	312 East 6th Avenue Tarentum, PA 15084	Testing
John Gogal Choice Environmental Solutions	H. C. 1, Box 521 Sciota, PA 18354	Mitigation
Daniel Jones Precision Home Inspections, Inc.	223 Trevor Street Connellsville, PA 15425	Mitigation
David Kern-Lyons K.-L. Enterprises, Inc.	419 Elmer Street, Suite 2 Trenton, NJ 08611	Mitigation
Stanley E. Kuhn	1045 Flowers Lane Marysville, PA 17053	Testing
Pratim Raman Patel	431 Barn Swallow Lane Allentown, PA 18104	Testing
Troy Rudy	1857 Sturbridge Drive Lancaster, PA 17601	Testing
Alan Marc Silverman	740 Bridge View Road Langhorne, PA 19053	Testing
James W. Stever	1621 Limekiln Pike Dresher, PA 19025	Mitigation
James Anthony Williams	31 East Main Street P. O. Box 1921 New Kingstown, PA 17072	Testing Mitigation

Notice of Denial to Perform Radon-Related Activities in Pennsylvania

In October 1996, the Department of Environmental Protection under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code § 240.201, denied the person or persons listed below from performing radon-related activities in Pennsylvania.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Franklin R. Town, Jr.	411 Avenue B Horsham, PA 19044	Mitigation

Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. § 4000.902).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101**§ 902 Recycling Development and Implementation Grants**

<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
SOUTHEAST REGION		
1 Perkasio Borough Bucks County	Drop-off Recycling	\$3,490
2 Lower Makefield Twp. Bucks County	Leaf Collection Equipment	\$31,050
3 Middletown Township Bucks County	Leaf Collection Equipment	\$27,134
4 Chester County	Recycling Center Equipment	\$76,482
5 Coatesville City Chester County	Recycling Education and Yard Waste Collection Equipment	\$55,710
6 Downingtown Borough Chester County	Recycling Education and Yard Waste Recycling	\$20,402
7 East Fallowfield Twp. Chester County	Curbside and Yardwaste Recycling	\$45,000
8 Delaware County	Yardwaste Composting Site Improvements	\$342,000
9 Nether Providence Twp. Delaware County	Recycling Education	\$1,600
10 Ridley Township Delaware County	Curbside Recycling	\$79,777
11 Upper Darby Township Delaware County	Curbside Recycling	\$83,518
12 Douglass Township Montgomery County	Curbside Recycling	\$6,075
13 Norristown Borough Montgomery County	Curbside Recycling	\$24,033
14 Plymouth Township Montgomery County	Recycling Education and Yardwaste Composting	\$149,000
15 City of Philadelphia	Curbside Recycling and Education	\$500,000
TOTALS	15	\$1,445,271
NORTHEAST REGION		
16 Kidder Township Carbon County	Curbside Recycling	\$36,405
17 Carbondale City Lackawanna County	Curbside Recycling	\$45,000
18 Dunmore Borough Lackawanna County	Curbside Recycling	\$10,242

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<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
19 Olyphant Borough Lackawanna County	Curbside Recycling	\$5,083
20 Scranton City Lackawanna County	Curbside Recycling	\$420,000
21 Lehigh County	Yardwaste Processing Equipment	\$381,600
22 Allentown City Lehigh County	Recycling Education, Recycling and Yardwaste Composting Equip.	\$266,914
23 Hanover Township Lehigh County	Recycling Education and Leaf Collection Equipment	\$19,454
24 Lynn Township Lehigh County	Recycling Education, Curbside and Drop-off Recycling	\$6,510
25 Upper Macungie Twp. Lehigh County	Recycling Education, Curbside Recycling and Yard Waste Composting	\$17,549
26 Whitehall Township Lehigh County	Recycling Collection and Processing Equip.	\$33,850
27 Luzerne County	Recycling Education and Collection Equipment	\$41,356
28 Exeter Township Luzerne County	Recycling Center	\$57,531
29 Pittston City Luzerne County	Curbside Recycling	\$75,544
30 Plymouth Township Luzerne County	Recycling Education, Curbside and Drop-off	\$72,206
31 Chestnuthill Township Monroe County	Recycling Education	\$675
32 East Stroudsburg Boro. Monroe County	Curbside Recycling, Recycling Center and Processing Equipment	\$69,508
33 Stroud Township Monroe County	Recycling Education and Drop-off Recycling	\$15,843
34 Bath Borough Northampton County	Recycling Education and Curbside Recycling	\$5,598
35 Bethlehem City Northampton County	Recycling Education and Collection Equipment	\$82,141
36 Hanover Township Northampton County	Recycling Education, Curbside Recycling and Yard Waste Composting	\$40,860
37 Girardville Borough Schuylkill County	Wood Chipper	\$17,739
38 Pine Grove Township Schuylkill County	Drop-off Recycling	\$56,673
39 Schuylkill Haven Boro. Schuylkill County	Recycling Education, Drop-off Recycling and Yard Waste Composting	\$117,209
40 Susquehanna County	Recycling Education	\$4,266
41 Wayne County	Recycling Education, Drop-off Recycling and Recycling Center Improvements	\$8,785
42 Honesdale Borough Wayne County	Recycling Education and Curbside Recycling	\$77,255
TOTALS	27	\$1,985,796

<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
SOUTHCENTRAL REGION		
43 Kenhorst Borough Berks County	Curbside Recycling	\$7,514
44 Kutztown Borough Berks County	Drop-off Recycling	\$11,700
45 Laureldale Borough Berks County	Wood Chipper	\$20,857
46 Reading City Berks County	Curbside Recycling	\$64,348
47 Shoemakersville Boro. Berks County	Curbside Recycling	\$2,169
48 Spring Township Berks County	Curbside Recycling and Wood Chipper	\$51,077
49 West Reading Borough Berks County	Recycling Education and Curbside Recycling	\$9,170
50 Blair County	Drop-off Recycling	\$186,619
51 Hollidaysburg Boro. Blair County	Drop-off Recycling	\$62,820
52 Carlisle Borough Cumberland County	Leaf Collection Equipment	\$25,650
53 Hampden Township Cumberland County	Leaf Collection and Composting Equipment	\$77,400
54 Hopewell Township Cumberland County	Drop-off Recycling	\$3,150
55 Lower Allen Township Cumberland County	Leaf Composting Site Improvements	\$121,860
56 Derry Township Dauphin County	Recycling Education	\$3,341
57 Huntingdon Borough Huntingdon County	Recycling Center Processing Equipment	\$94,950
58 Lancaster County	Recycling Education and Curbside Recycling	\$26,091
59 Ephrata Borough Lancaster County	Recycling Education	\$8,664
60 West Earl Township Lancaster County	Yard Waste Collection and Brush Chipping Equipment	\$25,200
61 Lebanon County	Curbside, Drop-off and Yard Waste Processing Equipment	\$146,970
62 Lebanon City Lebanon County	Drop-off Recycling	\$48,612
63 North Londonderry Twp. Lebanon County	Leaf Collection Equipment	\$86,400
64 Chanceford Township York County	Recycling Education	\$6,867
65 Franklin Township York County	Recycling Education Drop-off Recycling	\$20,652
66 Wrightsville Borough York County	Leaf Collection Equipment	\$17,100
TOTALS	24	\$1,129,181
NORTHCENTRAL REGION		
67 Cameron County	Recycling Education	\$1,030
68 Lawrence Township Clearfield County	Drop-off Recycling	\$23,260

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<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
69 Clinton County	Recycling Education, Drop-off Recycling, and Recycling Center Improvements	\$108,945
70 Columbia County	Drop-off Recycling and Education Program	\$4,815
71 Lycoming County	Recycling Education, Drop-off Recycling, and Leaf Collection Equipment	\$64,800
72 Danville Borough Montour County	Yard Waste Composting	\$72,900
73 Mahoning Township Montour County	Curbside Recycling	\$45,000
74 Sullivan County	Recycling Education	\$4,500
75 Union County	Recycling Education	\$13,226
76 New Berlin Borough Union County	Recycling Education and Leaf Collection Equipment	\$18,952
	TOTALS	10
		\$357,428
SOUTHWEST REGION		
77 Allegheny County	Univ. of Pittsburgh Recycling Program	\$16,200
78 Clairton City Allegheny County	Curbside Recycling	\$25,000
79 Pittsburgh City Allegheny County	Recycling Education	\$217,800
80 Robinson Township Allegheny County	Leaf Collection and Composting	\$257,789
81 Scott Township Allegheny County	Leaf Collection Equipment	\$18,900
82 Wilkesburg Borough Allegheny County	Curbside and Leaf Collection Equipment and Leaf Composting	\$308,857
83 Armstrong County	Recycling Education	\$9,778
84 Beaver Falls City Beaver County	Leaf Collection Equipment	\$22,612
85 Center Township Beaver County	Leaf Collection Equipment	\$8,550
86 Conway Borough Beaver County	Curbside Recycling	\$16,905
87 Franklin Township Beaver County	Recycling Center Improvements	\$856,828
88 Cambria County	Drop-off Recycling System	\$334,953
89 Ferndale Borough Cambria County	Leaf Collection Equipment	\$20,524
90 Johnstown City Cambria County	Drop-off Recycling and Leaf Collection	\$163,687
91 Richland Township Cambria County	Drop-off Recycling	\$1,620
92 Southmont Borough Cambria County	Leaf Collection Equipment	\$26,995
93 Greene County	Office Recycling Program	\$1,703
94 Morris Township Greene County	Brush Chipper	\$16,200

<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
95 South Union Township Fayette County	Curbside Recycling, Leaf Collection and Composting	\$148,095
96 Wharton Township Fayette County	Drop-off Recycling	\$6,751
97 Somerset County	Drop-off Recycling	\$17,722
98 Conemaugh Township Somerset County	Leaf Collection Equipment	\$74,295
99 Greensburg City Westmoreland County	Leaf Collection Equipment	\$35,962
100 Jeannette City Westmoreland County	Leaf Collection and Recycling Processing	\$82,308
101 Mt. Pleasant Borough Westmoreland County	Yardwaste Composting Equipment	\$54,000
102 New Kensington City Westmoreland County	Curbside Recycling and Leaf Collection Equipment	\$25,298
103 Youngwood Borough Westmoreland County	Leaf Collection Equipment	\$33,939
104 S. W. Greensburg Boro. Westmoreland County	Leaf Collection Equipment	\$33,713
TOTALS	28	\$2,837,984
NORTHWEST REGION		
105 Butler County	Recycling Education and Processing Equipment	\$33,660
106 Elk County	Recycling and Processing Equipment	\$10,119
107 Ridgway Borough Elk County	Leaf Collection Equipment	\$38,499
108 St. Mary's City Elk County	Leaf Collection Equipment	\$34,501
109 Erie City Erie County	Recycling Education	\$80,000
110 Greenfield Township Erie County	Curbside Recycling	\$159,170
111 Harborcreek County Erie County	Curbside Recycling	\$116,019
112 Millcreek Township Erie County	Curbside Recycling and Home Composting	\$17,496
113 Union City Erie County	Curbside Recycling and Leaf Collection Equipment	\$50,003
114 Waterford Borough Erie County	Leaf Collection and Composting	\$32,914
115 Franklin City Venango County	Leaf Collection Equipment	\$21,600
116 Punxsutawney Borough Jefferson County	Wood Chipper	\$19,434
117 Lawrence County	Recycling Education	\$15,300
118 New Wilmington Boro. Lawrence County	Curbside Recycling	\$9,061
119 Venango County	Home Composting Education	\$2,598
120 Warren County	Drop-off Recycling and Recycling Education	\$87,510

<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
121 Warren City Warren County	Curbside Recycling, Leaf Collection and Wood Chipping Equip.	\$47,297
TOTALS	17	\$775,181
GRAND TOTALS	121	\$8,529,841

Regional Planning and Recycling Coordinators

<p><i>Southeast Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management Lee Park, Suite 6010, 555 North Lane Conshohocken, PA 19428</p> <p>Bucks, Chester, Delaware, Montgomery and Philadelphia Counties</p>	<p>Calvin Ligons Ann Ryan Mary Alice Reisse (610) 832-6212</p>
<p><i>Northeast Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 2 Public Square Wilkes-Barre, PA 18711-0790</p> <p>Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties</p>	<p>Chris Fritz Joan Banyas (717) 826-2516</p>
<p><i>Southcentral Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 1 Ararat Boulevard Harrisburg, PA 17110</p> <p>Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties</p>	<p>Belinda May (717) 657-4588</p>
<p><i>Northcentral Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 208 W. 3rd Street, Suite 101 Williamsport, PA 17701</p> <p>Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties</p>	<p>Ron Sommers (717) 327-3653</p>
<p><i>Southwest Region</i></p> <p>DEP Bureau of Land Recycling and Waste Management 400 Waterfront Drive Pittsburgh, PA 15222-4745</p> <p>Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties</p>	<p>Sharon Svitek Stephen Sales Bob Emmert (412) 442-4000</p>
<p><i>Northwest Region</i></p> <p>DEP, Bureau of Land Recycling and Waste Management 230 Chestnut Street Meadville, PA 16335-3481</p> <p>Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties</p>	<p>Guy McUmber (814) 332-6848</p>

[Pa.B. Doc. No. 96-1972. Filed for public inspection November 22, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c) and 704(a) and (b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c) and 704(a) and (b)).

CON-96-A-2661-B: Allegheny University Hospital, East Falls, 3300 Henry Avenue, Philadelphia, PA 19129. Ex-

pansion of cardiac catheterization service by one lab—Medical College of Pennsylvania, at an estimated cost of \$2,353,757.

CON-96-A-2630-B: Saint Mary Medical Center, Langhorne-Newtown Road, Langhorne, PA 19047-1295. Establish open heart surgery program and PTCA service, at an estimated cost of \$1,023,844.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning November 23, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under

section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Allegheny University Hospital, East Falls public meeting will begin at 9 a.m., Thursday, January 9, 1997. Saint Mary Medical Center public meeting will begin at 9 a.m., Tuesday, January 21, 1997. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1973. Filed for public inspection November 22, 1996, 9:00 a.m.]

DEPARTMENT OF REVENUE

Revised Common Level Ratio Real Estate Valuation Factors for 1995

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 1995. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 1997 to June 30, 1997. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Adjusted Common Level Ratio Factor</i>
Armstrong	2.00*
Lancaster	1.00*
Schuylkill	2.00*
Wyoming	3.22**

*Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 1997.

**Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 1997.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 96-1974. Filed for public inspection November 22, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Tapco, Inc. v. DEP; EHB Doc. No. 96-232-C

Tapco, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Neville Township, Allegheny County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please 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.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1975. Filed for public inspection November 22, 1996, 9:00 a.m.]

The Travelers Indemnity Company v. DEP; EHB Doc. No. 96-056-R

The Department of Environmental Protection (Department) and The Travelers Indemnity Company (The Travelers) have resolved the above-captioned appeal that was filed with the Environmental Hearing Board. The Department entered into a Consent Adjudication with The Travelers which, in general, will allow Amerikohl Mining, Inc. (Amerikohl) to substitute surface coal mining bonds in connection with surface mining Permit No. 56763022 formerly issued to Delta Mining, Inc. Under the terms of the Consent Adjudication, the Department will waive collection of The Travelers' Bonds upon the substitution by Amerikohl of replacement bonds, or other collateral acceptable to the State, in an amount equal to The Travelers' Bonds.

Copies of the Consent Adjudication are in the possession of:

Martin H. Sokolow, Jr., Regional Counsel, DEP, Rachel Carson State Office Bldg., P. O. Box 8464, 400 Market Street—9th Fl., Harrisburg, PA 17105-8464, (717) 787-8790;

Robert J. Blumling, Esquire, Attorney for The Travelers Indemnity Company, Sable, Makoroff & Gusky, P.C., 7th Floor, Frick Bldg., Pittsburgh, PA 15219;

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

Persons aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, P. O. Box 8457, 2nd Floor, RCSOB, Harrisburg, PA 17105-8457. 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. 96-1976. Filed for public inspection November 22, 1996, 9:00 a.m.]

**Upper Merion Municipal Utility Authority v. DEP;
EHB Doc. No. 96-228-MG**

Upper Merion Municipal Utility Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Upper Merion Municipal Utility Authority for a facility in Upper Merion Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. 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.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1977. Filed for public inspection November 22, 1996, 9:00 a.m.]

**FISH AND BOAT
COMMISSION**

Designations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission is designating the following waters as subject to the special fishing regulations under 58 Pa. Code Chapter 65 effective January 1, 1997:

58 Pa. Code § 65.1. Selective Harvest Program:

The following waters are designated to be regulated and managed under the Selective Harvest Program (58 Pa. Code § 65.1):

<i>County</i>	<i>Water</i>	<i>Description</i>
Northampton	Saucon Creek	A 2.1 mile section from the upstream boundary of Saucon Park downstream to the S. R. 0412 bridge

The limits of the section of Codorus Creek, York County, subject to regulations applicable to the Selective Harvest Program (58 Pa. Code § 65.1) are redefined as follows:

<i>County</i>	<i>Water</i>	<i>Description</i>
York	Codorus Creek	From SR 3047 at Kraft Mill downstream to SR 116, a distance of 3.3 miles

58 Pa. Code § 65.2. Delayed Harvest Fly-Fishing Only Areas:

The following waters are deleted from the list of "Delayed Harvest Fly-Fishing Only Areas" designated under 58 Pa. Code § 65.2:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Carbon	Mud Run	A 2.5 mile section from the upstream Hickory Run State Park boundary downstream 2.5 miles to the downstream Hickory Run State Park boundary

58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas:

The following waters are designated to be regulated and managed under the Delayed Harvest Artificial Lures Only Program and are added to the list of waters subject to these regulations (58 Pa. Code § 65.6):

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Allegheny	Bull Creek	A 1.0 mile section from the first bridge on T-721 (above the T-721 and T-719 intersection) downstream to the T-721 bridge in Millers-town
Cambria	Chest Creek	A 1.8 mile section from the northern Patton Borough line (or 0.4 mile downstream of the railroad bridge in Patton) downstream to the SR 4022 bridge at Thomas Mills
Carbon	Mud Run	A 2.5 mile section from the upstream Hickory Run State Park boundary downstream 2.5 miles to the downstream Hickory Run State Park boundary
Washington	Dutch Fork Creek	A 1.8 mile section from the first S. R. 0070 bridge upstream of the Columbia Gas Compressor Station downstream to the Dutch Fork Lake backwaters

County	Water on which located	Description
	Pike Run	A 1.1 mile section from the confluence with the unnamed tributary upstream of the S. R. 2079 bridge downstream to the power line crossing downstream of the S. R. 2036 bridge
Westmoreland	Indian Creek	A 1.6 mile section from the T-916 bridge downstream to the S. R. 0381 bridge
Wyoming/ Lackawanna	South Br. Tunkhannock Creek	A 1.0 mile section from the S. R. 6 bridge downstream through Keystone College campus

58 Pa. Code § 65.7. Trophy Trout Program.

The limits of the section of the Lackawanna River, Lackawanna County, subject to regulations applicable to the Trophy Trout program (58 Pa. Code § 65.7) are redefined as follows:

County	Water	Description
Lackawanna	Lackawanna River	A 5.2 mile section from the Gilmartin Street Bridge in Archbald downstream to the Lackawanna Avenue Bridge (S. R. 0347) in Olyphant with the exception of a .7 mile section from the Depot Street Bridge in Jessup downstream to the foot bridge in Robert Mellow Park.

58 Pa. Code § 65.8. Warmwater/Coolwater Species Special Conservation Waters.

The following waters are deleted from the list of "Warmwater/Coolwater Species Special Conservation Waters" designated under 58 Pa. Code § 65.8:

County	Water
York	Lake Redman Lake Williams

58 Pa. Code § 65.9. Big Bass Special Regulations.

The following waters are designated to be regulated and managed under the Big Bass Special Regulations and are added to the list of waters subject to these regulations (58 Pa. Code § 65.9):

County	Water
Bedford	Shawnee Lake
Blair	Two small ponds and raceway adjacent to Canoe Lake
Luzerne	Lily Lake
York	Lake Redman Lake Williams

Effective with the 1996 bass season, the Commission designated a portion of the Susquehanna River from Dock Stream Dam, near Harrisburg, upstream to the Fibradam, near Sunbury, and the Juniata River from its mouth upstream to the Duncannon Bridge as waters subject to Big Bass Regulations under 58 Pa. Code § 65.9. There was a minor problem with the definition of the limits on the Juniata River, however, because of the location of the available public facilities to launch and retrieve boats. To

correct this problem, an additional 2 mile section of the Juniata River is now subject to the Big Bass regulations. The limits of the section of the lower Juniata River subject to the Big Bass Special Regulations (58 Pa. Code § 65.9) are redefined as follows:

The Juniata River from its mouth upstream to the Route 11/15 Bridge near Amity Hall.

The following waters are deleted from the list of waters subject to the Big Bass Special Regulations under 58 Pa. Code § 65.9:

County	Water
Berks	Trout Run Reservoir

58 Pa. Code § 65.10. Select Trout Stocked Lake Program.

The following waters are designated "Select Trout Stocked Lakes" (Late Winter Extended Trout Season) and are added to the list under 58 Pa. Code § 65.10:

County	Water
Huntingdon	Perez Lake
Lancaster	Muddy Run Recreational Lake
Luzerne	Lily Lake
Sullivan	Hunters Lake

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 96-1978. Filed for public inspection November 22, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly on Thursday, November 7, 1996, at 10:30 a.m. and took the following actions:

Regulations Disapproved:

Department of Public Welfare # 14-414—Eligibility for Services Funded Through the Medical Assistance Transportation Program [Order has not yet been issued]

Environmental Quality Board # 7-282—Sewage Sludge (amends 25 Pa. Code Chapters 271—273, 275, 277, 279, 281, 283, 285 and 287)

Regulations Approved:

Department of Education # 6-251—Grants for Public Library Construction (amends 22 Pa. Code Chapter 142)

Environmental Quality Board # 7-287—Hazardous and Municipal Waste (amends 25 Pa. Code Chapters 260—266, 270, 273 and 283)

Pennsylvania Liquor Control Board # 54-48—I. D. Cards/Sunday Sales/Advertising Displays (amends 40 Pa. Code Chapters 11 and 13)

(Editor's Note: For the text of the regulations pertaining to this order, see 26 Pa.B. 5699 (November 23, 1996).)

Department of Revenue # 15-378—Pennsylvania Lottery 25th Anniversary TV Game Show (adds 61 Pa. Code Chapter 869)

(*Editor's Note:* For the text of the regulations pertaining to this order, see 26 Pa.B. 5712 (November 23, 1996).)

Department of Community and Economic Development
4-60—Neighborhood Assistance Program (amends 16
Pa. Code §§ 15.41b and 15.49a)

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

Public meeting held
November 7, 1996

Environmental Quality Board—Sewage Sludge; Doc. No. 7-282

Order

On September 9, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking would amend 25 Pa. Code Chapters 271—273, 275, 277, 279, 281, 283, 285 and 287. The authority for this regulation is contained in section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)). The proposed regulation was published in the October 1, 1994 *Pennsylvania Bulletin* with a 113-day public comment period. The final-form regulation was submitted to the Commission on October 15, 1996.

The Solid Waste Management Act (SWMA), as amended in 1989, provided that the EQB establish waste regulations to effectuate the beneficial use of municipal waste and residual waste. Beneficial use of waste occurs when a waste can be used for commercial, industrial or governmental purposes in a manner that will not adversely affect the environment. The SWMA specifically provides that the Department of Environmental Protection (DEP) shall encourage the beneficial use of municipal and residual waste when the DEP determines that the use does not harm the health, safety or welfare of the people or environment of the Commonwealth. The SWMA also gives the DEP the power to issue general permits for any category of beneficial use of residual or municipal waste.

In this rulemaking, the EQB has set up two separate provisions for the establishment of a general permit for the beneficial use of residual and municipal waste as well as provisions for a permit by rule for municipal waste processing facilities. The regulation will also provide a more streamlined process for the permitting of individuals responsible for the land application of sewage sludge. Specifically, sewage sludge will be able to be land applied under a general permit if the sewage sludge meets the same characteristics as those contained in the general permit. This is in contrast to the current regulation which requires an operator to obtain a site specific permit for every site on which it applies sewage sludge. The regulation includes specific management practices that require specific setback distances from streams, wetlands and other environmental features where sewage sludge may not be applied. In addition, an operator utilizing a general permit must provide notification to adjacent landowners, the county conservation district and the DEP 30 days prior to the first application of sewage sludge. The notification to adjacent landowners must be a delivered written notification as well as a posting at the property line.

If the sewage sludge meets the qualities of exceptional quality (EQ) sewage sludge, it is exempt from the man-

agement practices and notification requirements. EQ sewage sludge is considered a high quality sewage sludge because it contains mineral levels of metals and pathogens. EQ sewage sludge is equivalent in quality to many fertilizers and may be safely applied with few restrictions based upon EPA's risk assessment and studies.

The final provision of the regulation concerns the standards for the handling and storage of residual waste. The residual waste regulations were initially implemented in 1992 and the DEP has determined that several changes needed to be made to the provisions relating to the general permit and permit by rule provisions.

During the public comment period, the DEP held a series of public meetings and public hearings in Philadelphia, Pittsburgh and Harrisburg. Letters of comment and testimony were received from more than 115 businesses, organizations, and local governments and from 40 individuals. During consideration of the final-form regulation, we received a letter from the Pennsylvania Coal Association in support of the regulation.

We support the EQB's efforts to provide a more streamlined approach for the permitting and disposal of municipal and residual waste. We believe the new permitting provisions for the land application of sewage sludge are necessary and applaud the EQB for amending the final-form regulation to be more consistent with the EPA's regulations, as we and other commentators have recommended. However, we believe there are several important areas of the regulation that must be addressed prior to final adoption to help ensure the successful implementation of the sewage sludge program.

Our first concern relates to the unbridled discretion contained in several provisions which afford the DEP with unbridled discretion to take a course of action different than that provided for in the regulation. We believe that this discretion contradicts the purpose and nature of a regulation, which is to give notice of a binding norm of general applicability and future effect. As such, the regulation is binding on the DEP, as well as persons who come under the DEP's jurisdiction. Allowing the DEP unbridled discretion to impose more stringent or additional requirements for obtaining a permit or for performing a specific activity without specifying what those standards may include or under what circumstances they may be imposed is contrary to the public interest. Accordingly, we believe the following sections need to be amended prior to final adoption.

Subchapter J specifies how the DEP will issue general permits for land application of sewage sludge, as well as the specific notification requirements and management practices for the application of sewage sludge. Many of the provisions in the subchapter are similar to those contained in the EPA regulation; they contain specific standards for pollution limits and pathogen controls, including the areas where sewage sludge may not be applied. Although the regulation contains specific standards for the application of sewage sludge, based in part on EPA studies and experiences, section 271.904 provides:

On a case by case basis, the Department may impose requirements in addition to or more stringent standards than the requirements in this subchapter when necessary to protect the public health and the environment from any adverse effect of a pollutant in the sewage sludge.

As written, the regulation essentially provides no notice to a permit applicant as to what requirements he or she will be required to satisfy. The regulation does not

indicate under what circumstances a more stringent standard will be mandated or how the DEP will make this determination. We believe the regulation needs to be amended to clearly indicate under what general circumstances a more stringent standard will be imposed, how the DEP will make this determination, and what the additional standards may be.

Similarly, the EQB has included discretionary language for the regulation of EQ sewage sludge. As mentioned, EQ sewage sludge is high quality sewage sludge that meets specific pollution standards and pathogen controls, based upon EPA risk assessments and studies. Sewage sludge determined to meet these specific standards are not required to meet the management practices or general requirements for land application. However, section 271.911(d) provides:

The Department may apply any or all of the general requirements in Section 271.913 and the management practices in Section 271.915 to the sewage sludge in Section 271.911(b)(1) on a case by case basis after determining that some or all of the general requirements or management practices set forth in those sections are needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any pollutant in the sewage sludge.

Again, this section does not indicate under what general circumstances a more stringent practice will be required or how the DEP will make this determination. If the EQB or DEP believes there are more specific standards EQ sewage sludge must meet in order to protect the environment, the standards should be spelled out in the rulemaking.

The last provision that contains overly broad discretionary language concerns the requirements and standards for a residual waste general permit. Section 287.632(b) provides:

The Department may waive or modify any application and operating requirements in this article, except the Department may not waive or modify Subchapter A, Sections 287.124, 287.125 and 287.128 of Subchapter C, Subchapter E in accordance with Subsection 287.621(d) or Subchapter F.

We believe that if the DEP needs to modify any of the application or operating requirements, the regulation must clearly indicate under what general circumstances the DEP will do so and what the additional or different requirements will be.

In response, the DEP stated at our November 7, 1996 public meeting that it did not believe it was necessary to spell out in the regulation when more stringent or additional standards may be required. The DEP believes that only in certain rare instances will it utilize the discretionary language to impose additional or more stringent standards and that it would be difficult to include every specific instance it may impose additional requirements. The DEP also noted that for the sewage sludge program, the discretionary language is similar to that contained in the EPA's Part 503 regulation. The DEP believes that the EPA may express concern with the Commonwealth's program if it is not able to, on a case by case basis, require additional or more stringent requirements.

We agree that it would be difficult to include every specific instance where the DEP may need to impose additional requirements. However, we believe that the regulation can and should provide the general circum-

stances when the additional or more stringent requirements may be imposed and what the additional requirements may be. Doing so will provide some notice to the regulated parties of what may be expected of them and how this expectation will be determined. We do not believe that in authorizing the DEP to impose more stringent standards on a case by case basis, the EPA intended that the DEP should be excused from giving at least minimal notice. Therefore, we believe that our recommendation is consistent with the EPA Part 503 regulation.

Our second concern with the final-form regulation is with the training course requirements for individuals land applying sewage sludge. The proposed regulation merely required all individuals and municipalities applying sewage sludge, either under a general permit or a site specific permit, to satisfactorily complete a training course offered or certified by the DEP. The proposed regulation did not provide the length of the course, the number of courses that must be taken, how successful completion of the course would be determined, and who must complete the course. Therefore, in our Comments we recommended that the EQB amend the regulation to clearly include these provisions in the final-form regulation to provide clear notice of the course requirements. In addition, we recommended that prior to the EQB submitting the final-form regulation, the DEP be prepared to offer these training courses to avoid any delays in operators meeting this requirement.

In response, the EQB amended section 271.915(j) to provide that the DEP will require persons land applying sewage sludge to complete training courses sponsored by the DEP in a timely and satisfactory manner. This section defines satisfactory completion as attendance at all training sessions and attainment of a minimum grade of 70% on tests given as part of the training courses. In addition, the regulation states that if a person or municipality is applying sewage sludge and has not complied with the training requirements, the DEP may impose a minimum civil penalty of \$1,000.

We are still troubled with the training course requirement. First, although the regulation requires that an operator comply with the training course in a timely manner and provides 2 years to complete this requirement, the DEP has yet to develop the training course. We do not believe it is in the public interest to mandate a requirement and establish penalties for non-compliance when the DEP is not prepared to offer the required training course to allow timely compliance. Second, we believe the regulation needs to specify the number of training courses that will be required, as well as the length (number of hours) for each course or courses. In doing so, the regulation will provide adequate notice of the necessary training requirements that must be met. Third, we question the arbitrariness of establishing a 70% passing grade on tests given as part of the training course. Since the DEP has yet to determine the course structure or how comprehensive the tests will be, we believe establishing a 70% passing score is meaningless.

We recommend that the EQB delete the educational requirements in this rulemaking. Instead, we recommend the EQB promulgate another regulation once the DEP has finalized the course structure and is prepared to provide the course. The regulation should clearly include who must take the training course, the number of training courses that must be taken, the length of each course, and how successful completion will be determined. This recommendation is consistent with other Common-

wealth regulations governing the educational certification of specific activities and professions.

Our third concern relates to an inconsistent requirement for the submittal of the sewage sludge quality enhancement report. Section 271.921(a) provides that a person who generates sewage sludge, except for a person who generates residential septage or a person who generates sewage sludge meeting the requirements of section 271.911(b)(1) (for example, exceptional quality sewage sludge), shall prepare a sewage sludge quality enhancement plan in accordance with this section. In contrast, section 271.921(d) provides that the DEP may, in writing, waive or modify the requirements of this section for generators of sewage sludge that meet the requirements of section 271.911(b)(1). Thus, while subsection (a) expressly provides that generators of sewage sludge meeting the requirements of section 271.911(b)(1) are exempt from submitting the plan, Subsection (d) indicates that the DEP may waive or modify the requirements for submitting the plan. Therefore, the regulation does not provide clear and consistent requirements for generators of EQ sewage sludge concerning submission of the sewage sludge quality enhancement plan.

At the Commission's November 7, 1996 public meeting, the DEP staff admitted that the language in section 271.921 is ambiguous as it pertains to the requirements for generators of EQ sewage sludge. However, the DEP staff believes this ambiguity does not result in a contradiction in the requirements for the submittal of the sewage sludge enhancement plan. The DEP staff explained that all generators of EQ sewage sludge are exempt from submitting the sewage sludge enhancement plan. The purpose of section 271.921(d) is to encourage sewage sludge generators to upgrade the quality of their sewage sludge to EQ by allowing the DEP to exempt those who upgrade their sludge from the requirement to file a plan. Therefore, the DEP staff concludes that this latter section is necessary to provide an incentive for generators to produce EQ sewage sludge.

We agree that generators who upgrade their sludge should be eligible for this exception. However, as currently worded, we believe that section 271.921 contains a conflicting requirement for the submittal of the sewage enhancement plan. Since the DEP staff agrees that all generators of EQ sewage sludge are exempt from submitting this plan, section 271.921(d) is unnecessary because it allows the DEP to require the submittal of a plan by generators of EQ sewage sludge, regardless if the generator has been producing EQ sewage sludge for years or just recently upgraded its sludge quality. We recommend that the EQB delete section 271.921(d) so that the regulation clearly exempts generators of EQ sewage sludge from submitting the sewage sludge quality enhancement plan. This section without Paragraph (d) provides the encouragement the DEP desires to give.

Our fourth concern is with section 271.920. This section provides that a person operating under a land application of sewage sludge permit shall allow authorized representatives of the Commonwealth, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to areas which the activities covered by the land application of sewage sludge permit will be, are being, or have been conducted to ensure compliance with the Clean Streams Law and the Solid Waste Management Act and a permit issued under this chapter. We have two concerns with this provision.

First, we question who is an "authorized representative" of the Commonwealth since that term is not defined in the rulemaking. The regulation in other sections concerning compliance refers to a representative of the Department. Therefore, we believe the regulation should be amended to either define who the EQB considers is an "authorized representative of the Commonwealth" or replace this term with "a representative of the Department."

Second, the provision allows Commonwealth representatives to enter the property at any time. We believe this represents an unreasonable right of entry and is inconsistent with a long line of Supreme Court cases. The leading case is *New York v. Burger*, 428 U. S. 691, 107 S.Ct. 2636 (1987).

In *Burger*, police conducted a statutorily-authorized administrative inspection of an auto junkyard. The Court found that since auto junkyards are "pervasively regulated" in the state of New York, the state may conduct warrantless inspections. The Court cautioned, however, that a warrantless inspection will be deemed reasonable only so long as three criteria are met. First, there must be a substantial government interest that "informs the regulatory scheme pursuant to which the inspection is made." *Id.* at 107 S.Ct. 2644. Second, the warrantless inspections must be necessary to further the regulatory scheme. Finally, the regulation must "advise the owner of the commercial premises that the search is being made pursuant to the law and has a properly defined scope, and it must limit the discretion of the inspecting officers" *Id.* The Court further defined the third criterion by noting that the regulation must be "sufficiently comprehensive and defined that the owner of commercial property cannot help but be aware that his property will be subject to periodic inspections undertaken for specific purposes." In limiting the discretion of the inspectors, the Court observed that the regulation "must be carefully limited in time, place, and scope."

We believe the regulation meets the place and scope criteria of *Burger*. However, we believe the regulation lacks language limiting the time that inspections will be conducted, such as during reasonable hours of operation. Therefore, we believe the regulation needs to be amended to provide that inspections will only occur during hours of operation.

Our final concern relates to the numerous substantive errors contained in the final-form regulation. A number of the errors involve incorrect citations to regulatory requirements or citations to sections that do not exist. The DEP agrees that the regulation contains numerous errors and submitted an errata sheet with the corrections to the rulemaking on November 1, 1996. The DEP believes that the Legislative Reference Bureau can make the necessary revisions during their normal editing process prior to publication.

We disagree. Under section 5(b.5) of the Regulatory Review Act (71 P. S. § 745.5(b.5)), no changes to a regulation shall be accepted, except as provided in section 7, after the submission of the regulation to the Commission and the designated standing committees. One of the reasons for not accepting changes to a final-form regulation is that the final-form regulation is required to be mailed to all public commentators to provide notice of the impending regulatory requirements. If the regulation is changed, these individuals will not have notice of the change and will not have the opportunity to provide comment to either the Commission or the designated standing committees. Because the errors contained in the

rulemaking will impact permitting requirements and waiver requirements, we believe the regulation can only be amended as permitted by the provisions in the Regulatory Review Act. Therefore, we recommend that the EQB amend the regulation to correct the following substantive errors.

First, section 271.911(b)(3) contains the criteria for EQ sewage sludge sold or given away in bags or containers. The requirement is written as follows:

Sewage sludge sold or given away, or otherwise distributed, in a bag or other container for application to the land shall continuously meet the pollutant concentrations in § 271.914(b)(3), the Class A pathogen requirements in § 271.933(a), and one of the vector attraction reduction requirements in § 271.934(b)(1) through (b)(8) shall be non-liquid and non-recognizable as human waste.

There are two citation errors in this section. First, section 271.933(a) does not contain the Class A pathogen requirements, but actually is headed "Vector Attraction Reduction." We believe the EQB intended to reference section 271.932(a). The other error is the citation for vector attraction reduction to section 271.934, which does not exist in this rulemaking. We believe the EQB intended the reference to read section 271.933(b)(1) through (b)(8).

Second, section 271.913(i) is written as follows:

The person who prepares sewage sludge that is applied to agriculture land, forest, a public contact site, or a reclamation site shall provide the person who applies the sewage sludge written notification of the concentration of total nitrogen (as n on a dry weight basis) in the sewage sludge.

It is not clear what n refers to (although we believe it was meant to be nitrogen) or if it was inadvertently included in the section.

Third, section 271.916(c)(1) is written as follows:

One of the vector attraction reduction requirements in Section 271.934(b)(1) through (b)(10) shall be met when sewage sludge is applied to agriculture land, forest, a public contact site, or a reclamation site.

Section 271.934 referenced in this section does not exist. As previously noted, we believe the EQB intended to reference section 271.933.

Fourth, section 275.104 (Chemical analysis for sludge) is bracketed and retitled "Reserved." This generally indicates the entire section is deleted or vacated and left blank for future use. However, the DEP has added some new language in portions of the section and multiple bracketing errors occur in attempts to remove existing language throughout the section. Therefore, it cannot be determined what language the EQB intended to delete and what language it intends to add. Although we note that the EQB's ordering paragraph states that this section will be deleted 120 days after publication, it is not clear what regulatory language will be applicable during those 120 days.

Fifth, section 287.102(b)(7)(i) is written, in part, as follows:

The Department may waive or modify the requirements of Section 289.268 for storage impoundments included under Section as part of a captive facility on a case by case basis, based on such conditions as the size and location of the impoundment.

There are two errors in this section. In the first line, the EQB intended to reference multiple sections (sections

289.261—289.268), but did not include the applicable sections. The second line appears to reference a section, but does not indicate the section number. In fact, the DEP staff have indicated that the word "this" should have appeared before the word "section."

We have reviewed this regulation and find it not to be in the public interest. We support the EQB's efforts to provide a more reasonable approach to the beneficial use of residual and municipal waste. However, the regulation affords unbridled discretion to the DEP, contains incomplete training requirements for individuals applying sewage sludge, contains inconsistent standards for the submittal of the sewage sludge quality enhancement plan, allows for an improper right of entry, and contains numerous substantive errors. We believe all of these issues can and should be resolved by the EQB in an expeditious manner to ensure the successful implementation of the regulation.

Therefore, It Is Ordered That:

1. Regulation No. 7-282 from the Environmental Quality Board, as submitted to the Commission on October 15, 1996, is disapproved;

2. The Environmental Quality Board shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 7-282 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

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

Public meeting held
November 7, 1996

Department of Education—Grants for Public Library Construction; Doc. No. 6-251

Order

On November 29, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking would amend 22 Pa. Code Chapter 142. The authority for this regulation is found at section 8 of the Keystone Recreation, Park and Conservation Fund Act (Act 50) (32 P. S. § 2018). The proposed regulation was published in the December 10, 1994 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 11, 1996.

The proposal addresses funding for libraries through a competitive grant program by adding a new chapter to 22 Pa. Code relating to public library grants authorized by Act 50. Grants will be financed through a \$2.5 million portion of the bond referendum authorized by Act 50 as well as through 4% of the Realty Transfer Tax revenues and will be allocated for planning, acquisition, development and rehabilitation of public libraries. Grants will be

awarded in accordance with policies in a long-range plan (Plan) to be developed in consultation with the Advisory Council on Library Development, municipal officials, and library representatives. The Plan will include a library facility needs assessment and an action plan.

In the proposed rulemaking, the criteria for awards of grants and procedures were components of the Plan. We recommended that if funding were contingent on priorities, criteria for awards, or grant administration procedures of the requirements were binding on both the Department and grantee, those provisions of the Plan should be contained in the final-form regulation.

The Department responded that it did not intend for the terms to describe binding norms. The Department responded by deleting the phrase "funding priorities, criteria for the award of grants and procedures for administering grants" from its final-form rulemaking.

The Department adopted an additional recommendation from the Commission pertaining to publication of the Plan in the *Pennsylvania Bulletin*. We also recommended the Department request comments on the Plan. The Department did not adopt our recommendation to request comments, but explained that it believes more public participation can be gained through the Advisory Council, municipal officials and library representatives, as required by section 142.2(a) of the proposal.

Under the regulation, municipalities that apply to the grant program will be required to provide at least 50% in matching funds which may come from Federal grants, donations or local tax revenues. The Department responded to a concern of Representative William E. Lloyd, Jr. that factors established to rank applications submitted by distressed municipalities would be equally valid for economically distressed municipalities and municipalities that are not distressed. To address Representative Lloyd's concern, the Department responded by including percentile measurements to define economic distress. The maximum of 50% program funding is allowed for municipalities that qualify as economically distressed. Municipalities that do not qualify as economically distressed will be funded at less than the 50% maximum.

Concerns the Commission raised with definitions for "sponsoring municipality," "sponsoring school district," and "public library" in the proposed rulemaking were addressed by the Department in its final-form rulemaking. The definitions for "sponsoring municipality" and "sponsoring school district" were deleted. The Department's concern that public libraries which had historically received funding from school districts, rather than from any government entity included in the definition of "municipality" in Act 50 was addressed through an amendment to section 142.4 (Eligible grantees).

Section 142.4(c) specifies that a municipality, alone or in cooperation with other municipalities, is eligible to apply for a grant for a public library. The public library must be funded by local tax revenues or monies raised by the levy of special taxes to establish, or maintain a public library which directly provides public library service, delegates responsibilities for public library service to a board of directors, or delegates responsibility for public library service to a nonprofit corporation.

The definition of "public library" was amended in the final-form rulemaking to delete a requirement that a library receive State aid under Article III of the Library Code. The Commission agreed that the Department could establish receipt of State aid as a requirement, but we questioned establishing the condition within a definition.

In the final-form rulemaking, the Department deleted the requirement that a library receive state aid from the definition of "public library." Instead, receipt of State aid under Article III of the Library Code is included as an eligibility requirement in section 142.4(f).

We have reviewed this regulation and find it to be in the public interest. At proposed rulemaking, the Free Library of Pennsylvania wrote in support of the proposal. Concerns raised in the letter from Representative Lloyd were addressed by the Department. By letters dated October 30, Senator James J. Rhoades, Chairperson of the State Education Committee, and Representatives Jess M. Stairs and Ronald R. Cowell, Chairpersons of the House Education Committee, advised the Commission that the committees had no objections to the final-form regulation. Concerns expressed in our Comments were addressed through the revisions discussed in this Order. Other concerns were addressed through further information and justification provided by the Department in its preamble.

Therefore, It Is Ordered That:

1. Regulation No. 6-251 from the Department of Education, as submitted to the Commission on October 11, 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
November 7, 1996

Environmental Quality Board—Hazardous and Municipal Waste; Doc. No. 7-287

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 Chapters 260—266, 270, 273 and 283 governing management of the hazardous and municipal waste programs. The EQB is making these changes under sections 105, 401—403 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.401—403, and 6018.501), which provides the EQB with the authority to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste and other waste. The proposed regulation was published in the *Pennsylvania Bulletin* with a 60-day public comment period. A final-form regulation was submitted to the Commission on July 24, 1996. However, the EQB withdrew the July 24, 1996 submittal on August 21, 1996, in order to make further amendments. The final-form regulation was re-submitted to the Commission on October 15, 1996.

The Federal government regulates hazardous waste under the Resource Conservation and Recovery Act (RCRA) of 1976, as well as regulations promulgated under the authority of RCRA. RCRA provides that states may adopt the Federal regulatory program for hazardous waste, in full or in part, but the State program must be at least as stringent as the Federal program. When a state fully adopts the Federal regulatory program, it results in the elimination of that dual Federal and State permitting requirements. Pennsylvania has not chosen to simply adopt the Federal regulatory program; in some

instances, Pennsylvania's regulations are more stringent than the Federal government's. One of EQB's stated purposes for this regulation is to make Pennsylvania's program more consistent with the Federal regulations.

The regulation will impact those businesses that generate, treat, dispose of and transport hazardous waste. The EQB did not quantify any costs other than their past expenditures for the program which ranged from \$6.0 to \$7.1 million for Fiscal Years 1992—94; they stated that these costs are not expected to increase as a result of this regulation. The EQB stated that private costs are not able to be quantified at this time. The EQB claims the benefits of this proposed regulation include the following: affected parties will only have to file biennial rather than quarterly reports concerning hazardous waste management activities; retention periods for reports and manifests will be reduced from 20 years to 3 years; transportation, storage or disposal facilities will be allowed to use a generic Module 1 report for multiple generators who use essentially the same process to generate essentially the same hazardous waste, transporters will be able to use larger, more efficient containers; and the increase of in-transit storage from 5 to 10 days will allow transporters greater flexibility to maximize their loads.

The EQB received extensive public comment on the proposed regulation. The Commission submitted comprehensive comments to the EQB on the proposed rulemaking concentrating on areas of the regulation that were more stringent than Federal regulations, lacked clarity, or imposed unreasonable standards.

The EQB originally proposed to implement a more stringent standard than Federal regulations for the determination of what is considered to be discarded chemical commercial products. Armstrong World Industries commented that the more stringent standard would result in an annual increased cost of \$5 million for its operations because it would result in a significant amount of its waste being classified as hazardous. Our Comments expressed concern with the more stringent standard because the EQB did not explain how the more stringent standard provided for any increase in environmental protection. Upon review of the public comments, the EQB agreed the more stringent standard was unnecessary and amended the regulation to be consistent with the Federal regulation.

The proposed regulation allowed a carbon regeneration facility to obtain a permit-by-rule instead of going through the full permitting process. At the time, the EQB believed that a permit-by-rule was warranted because it had been the DEP's experience that the environmental risks associated with a carbon regeneration unit are small enough to warrant allowing the facilities to obtain a permit-by-rule. The EQB received a significant number of comments, including comments from legislators and local townships, in opposition to this new provision. We also objected to allowing a carbon regeneration facility to obtain a permit-by-rule because it would establish a less stringent standard for permitting that provided for in the Federal regulation, which is strictly prohibited by Federal law. Additionally, the EQB did not document how a permit-by-rule for these facilities was an adequate and safe way to permit these facilities. Upon review of the public comments, the EQB deleted the permit-by-rule provision and will continue to require carbon regeneration facilities to go through the full permitting process.

The EQB also proposed to allow municipal waste landfills and resource recovery facilities to accept hazardous waste from a conditionally exempt small generator. A

conditionally exempt small generator is a generator of less than 100 kilograms of hazardous waste in a month. The EQB observed that because of the costs associated with the disposal of hazardous waste, some small generators were illegally dumping hazardous waste. Since municipal landfills are constructed in a similar manner as a hazardous waste landfill, the EQB believed it could discourage illegal dumping in environmentally sensitive areas by allowing small generators to safely dispose of their hazardous waste in a municipal landfill. However, the EQB received several letters, including a letter from Representative Camille George, strongly opposing any hazardous waste entering a municipal landfill. Additionally, the House of Representatives unanimously passed a bill that would prohibit hazardous waste from entering a municipal landfill. Because of the opposition and the bill passed by the House, the EQB deleted the provision which would have allowed hazardous waste to be accepted at a municipal landfill.

The EQB proposed deletions in sections 264.193(a)(4) and 265.193(a)(4) which would modify the secondary containment compliance dates for tanks. In our Comments, we outlined several concerns with the proposed modification to the compliance date. In the comment and response document, the EQB stated that they changed the rulemaking to reflect the original language in the existing regulations. However, the language of the final-form regulation, as submitted on July 24, 1996, did not reflect those changes. The difference between the regulation as written and the DEP staff's intent was significant. The EQB corrected the error and the final-form regulation now reflects the original compliance dates as the EQB intended.

We, along with other commentators, believed the term *identical hazardous constituents* was overly restrictive and could result in few facilities being eligible for the generic Module 1 application. Therefore, we recommended that the EQB delete this term from the rulemaking. In response to this comment, the EQB agreed that the term *identical hazardous constituents* was too limiting in its scope and that it should be deleted from the rulemaking. However, the term was not deleted from the regulation submitted on July 24, 1996. The EQB has corrected the error in the final-form regulation submitted October 15, 1996.

Another concern we had with the original final-form rulemaking submitted July 24, 1996, concerned the provisions relating to the bonding and licensing requirements for transporters of hazardous waste. First, the regulation required a transporter to deposit a collateral bond with the DEP as part of the license application. The amount, duration, form, terms and conditions of the bond must conform to the requirements of section 263.32. In our Comments, we stated that the bonding requirements pertaining to hazardous waste transporters were preempted by the U. S. Department of Transportation (U. S. DOT) under to the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations (HMR). In addition, we observed that the Federal district court upheld the U. S. DOT's preemption determination. Although the EQB acknowledged the Federal court's decision, it continued to include the bonding requirements because the Court's decision was being appealed by the state of Massachusetts.

After the EQB withdrew the original final-form regulation, the U. S. Court of Appeals ruled in favor of Massachusetts, thus allowing states to impose bonding requirements that are additional to Federal requirements.

Although the decision of the U. S. Court of Appeals has been appealed by the U. S. DOT to the Supreme Court, the EQB now has the legal authority to require bonding for hazardous waste transporters. If the Supreme Court overturns the U. S. Court of Appeals, then the DEP will not be able to require transports to obtain a bond and the EQB will need to amend the regulation to reflect the decision.

Finally, we also expressed concern that the original final-form rulemaking contained overly discretionary language for the licensure of transporters. Specifically, we recommend the following language from section 263.32 be deleted from the rulemaking:

(c) A person or municipality desiring to obtain a license to transport hazardous waste within this Commonwealth shall:

* * * * *

(4) Supply the Department with the additional information it may require.

* * * * *

(f) The Department *may at any time place terms and conditions* upon a license granted or renewed under this chapter *it deems necessary* to protect the public health and safety and the environment. (emphasis added)

In the resubmitted final-form regulation, the EQB has deleted Subsection (f). However, the regulation still allows the DEP to ask for additional information it may require as part of the transporter's application. Although we believe the language in the regulation should better define when the DEP may need to require additional information or what types of information, we do not believe this is a significant reason to disapprove the regulation.

We have reviewed this regulation and find it to be in the public interest. The regulation will make the Commonwealth's hazardous waste program more consistent with the Federal government's resulting in lower costs to businesses in the Commonwealth while still providing adequate protection to the environment.

Therefore, It Is Ordered That:

1. Regulation No. 7-287 from the Environmental Quality Board, as resubmitted to the Commission on October 15, 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
November 7, 1996

*Liquor Control Board—I. D. Cards/Sunday Sales/
Advertising Displays; Doc. No. 54-48*

Order

On October 10, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Liquor Control Board (Board). On October 18, 1996, the Board submitted an amendment to the regulation. This rulemaking would amend 40 Pa. Code Chapters 11 and 13. The authority for this regulation is section 495 of the Pennsylvania Liquor Code (Liquor

Code) (47 P. S. § 4-495) and Act 49 of 1996 (Act 49). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Existing sections 11.161—11.164 list the requirements for applying for an identification card from the Board. However, legislation was enacted in 1987 which amended the Liquor Code to delete the provisions which allowed the Board to issue identification cards. Therefore, the Board is proposing to delete sections 11.161—11.164 because they conflict with section 495 of the Liquor Code (47 P. S. § 495) which lists the items that may be accepted as an identification card. Age identification cards issued by the Board are not contained in the list of acceptable identification cards. By deleting these sections from the existing regulation, the Board will eliminate obsolete and misleading provisions in the regulation.

The amendments to sections 11.171(b), 11.172(a)(4), 13.42 and 13.43 reflect revisions to the Liquor Code as a result of Act 49. Existing sections 11.171(b) and 11.172(a)(4) provide that licensees whose sales of food and nonalcoholic beverages equal 40% or more of the combined sales of both food and alcoholic beverages may apply for a Sunday sales permit. The proposed regulation changes the percentage requirement to 30%, consistent with the revisions to the Liquor Code made by Act 49.

Existing section 13.42 provides that the maximum size of a sign used to advertise brand names in window or door displays may not exceed 300 square inches. The proposed amendments to the regulation increase the maximum size to 600 square inches. This change directly reflects the requirements of Act 49. The amendments to section 13.43 also revise the maximum cost of a single piece of advertising intended for interior display on licensed premises from \$10 to \$70. In addition, the maximum cost of point-of-sale advertising related to any one brand is increased from \$20 to \$140. These changes reflect the revisions to the Liquor Code resulting from Act 49.

The Board submitted a revision to the final-form regulation on October 18, 1996. The revision eliminates section 13.42(b) which provides that only one show window or doorway sign advertising any one brand may be installed in one establishment. This revision is proposed because section 13.42(b) sets a standard which is more restrictive than that required by the Liquor Code.

We have reviewed this regulation and find it to be in the public interest. No party opposes approval of this regulation. The rulemaking will bring the Board's regulations into compliance with the provisions of Act 49 and will eliminate obsolete regulations.

Therefore, It Is Ordered That:

1. Regulation No. 54-48 from the Pennsylvania Liquor Control Board, as submitted to the Commission on October 10, 1996, and amended on October 18, 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
November 7, 1996

Department of Revenue—Pennsylvania Lottery 25th Anniversary TV Game Show; Doc. No. 15-378

Order

On October 16, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Revenue). This rulemaking would add 61 Pa. Code Chapter 869. The authority for this regulation is section 6 of the State Lottery Law (72 P.S. § 3761-6). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation establishes the rules and procedures for the State Lottery's first TV game show. The TV Game Show represents the culmination of a year long celebration of the State Lottery's 25th anniversary. The State Lottery TV Game Show will be held on March 7, 1997, on channels throughout Pennsylvania that usually carry the nightly State Lottery drawings.

By buying five Wild Card Lotto tickets at one time from January 1 through January 31, 1997, a player will receive a TV Game Show entry coupon. The player needs to return a properly completed entry form to the State Lottery to enter the first drawing to be a contestant on the TV Game Show. Entry forms must be received by the State Lottery by February 10, 1997.

Entry forms will be entered into a preliminary drawing to select a pool of 279 entries from which the studio contestants will be selected. Next, the State Lottery will randomly select 25 studio contestants from the pool of 279 entries. Each of the 25 studio contestants selected to participate in the TV Game Show will receive a prize of \$2,500 and one night's hotel accommodations during the taping of the TV Game Show. Two of the 25 studio contestants will be selected at the taping of the TV Game Show to be game contestants for additional prizes. Additional prizes may also be awarded to one or more remaining studio contestants. The TV Game Show will consist of at least two main games. Each main game will be played by a single contestant who is selected randomly from the 25 studio contestants. The two main games listed in the regulation are "Grand Prix" and "Vortex."

Revenue claims that the regulation will have no significant adverse fiscal impact on the Commonwealth and that the game described by the regulation will produce an undetermined net revenue by stimulating additional sales of Wild Card Lotto tickets.

We have reviewed this regulation and find it to be in the public interest. According to Revenue, several states are currently operating lottery TV game shows. These states include California, Florida, Illinois, Indiana, Massachusetts, Michigan, Missouri, Ohio, Oregon and Wisconsin. This regulation establishes a TV Game Show that is similar to those operated by other states. This regulation is part of an advertising campaign to commemorate the 25th anniversary of the State Lottery. It will generate additional interest in Pennsylvania lottery games and may increase ticket sales and revenue for the State Lottery.

Therefore, It Is Ordered That:

1. Regulation No. 15-378 from the Department of Revenue, as submitted to the Commission on October 16, 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
November 7, 1996

Department of Community and Economic Development—Neighborhood Assistance Program; Doc. No. 4-60

Order

On October 18, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Community and Economic Development (Department). This rulemaking would amend 16 Pa. Code §§ 15.41b and 15.49a to establish special program priorities for the fiscal year 1996-97. 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). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Each fiscal year the Department will be responsible for promulgating regulations formerly promulgated by the Department of Community Affairs for the Neighborhood Assistance Act Programs. The act established two programs: the Neighborhood Assistance Tax Credit Program and the Enterprize 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. Section 8905-A of the act mandates the promulgation of regulations each fiscal year, with the approval of the Governor, establishing special priorities for Neighborhood Assistance Act Programs.

The Department has omitted Notice of Proposed Rulemaking under section 204 of the Commonwealth Documents Law. It has done so because this rulemaking, as similar rulemakings have done in previous years, continues the same special program priorities for the 1996-97 fiscal year that were in effect last year. The only changes being made in this regulation are the amendment of references to the "1995-96" fiscal year to the "1996-97" fiscal year.

We have reviewed this regulation and find it to be in the public interest. Adoption of the regulation will allow the Department to meet the statutory mandate to establish special program priorities for the Neighborhood Assistance Act Programs for the fiscal year 1996-97.

Therefore, It Is Ordered That:

1. Regulation No. 4-60 from the Department of Community and Economic Development, as submitted to the Commission on October 18, 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. 96-1979. Filed for public inspection November 22, 1996, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-152	Pennsylvania Public Utility Commission Line Extensions	11/12/96

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1980. Filed for public inspection November 22, 1996, 9:00 a.m.]

and calculate the member's liability in most instances at the lower of the provider's billed charges or the negotiated rate the Plan pays the local Blue Cross and/or Blue Shield Plan. An effective date of January 1, 1997 is requested. This filing consists of nine pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg. Please refer to Pennsylvania Insurance Department File No. 9611060001001 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. 96-1982. Filed for public inspection November 22, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Mainland Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on November 7, 1996, and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1981. Filed for public inspection November 22, 1996, 9:00 a.m.]

Blue Cross of Western Pennsylvania; Keystone Health Plan West, Incorporated; Freestanding Ambulatory Surgery Facility Agreement; Filing No. 1-FASF-96-WP; Form No. WP-1FASF(96)

Blue Cross of Western Pennsylvania and Keystone Health Plan West, Inc., have filed a new Freestanding Ambulatory Surgery Facility Agreement, to be effective January 1, 1997. The Agreement addresses the requirements that will govern freestanding ambulatory surgery facility agreements in the provision of services to members enrolled in Blue Cross of Western Pennsylvania and Keystone Health Plan West, Inc., indemnity and managed care benefit programs. The filing consists of 21 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh and Erie. Refer to Insurance Department File No. 9611060002001 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. 96-1983. Filed for public inspection November 22, 1996, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; BlueCard Subscriber Liability Disclosure Endorsements; Group Contracts; Filing No. 307-BCSL-G-11/96

By filing no. 307-BCSL-G-11/96, Blue Cross of Northeastern Pennsylvania proposes to amend Group Contracts to include the BlueCard Program, which allows members to receive covered services from participating providers located outside of the geographic area served by the Plan

Delta Dental of Pennsylvania; Modification Rider to Amend Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. M-25

Delta Dental of Pennsylvania has filed Modification Rider Form No. M-25 to amend Delta Dental Service Contract MC-3 (Rev. 9/94) to acknowledge certain other Professional Providers of dental procedures recognized

under Pennsylvania Law to provide certain services. These providers will be allowed the same advantages of claim review and payment as licensed dentists. No rate impact is proposed by Delta Dental of Pennsylvania. The filing consists of nine pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Refer to Insurance Department File No. 9611080068001 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. 96-1984. Filed for public inspection November 22, 1996, 9:00 a.m.]

Delta Dental of Pennsylvania; Proposed Rider to Schedule II Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. R-51

Delta Dental of Pennsylvania has submitted proposed rider Form No. R-51 to its Dental Service Contract MC-3 which would cover sealants on the first and second molars of both permanent and primary teeth for children up to age 14. Delta Dental has also submitted the rating information for this proposed rider. This filing consists of three pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg. Refer to Insurance Department File No. 9611080067001 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. 96-1985. Filed for public inspection November 22, 1996, 9:00 a.m.]

Delta Dental of Pennsylvania; Proposed Rider to Schedule II, Delta Dental Service Contract (MC-3, Rev. 9/94); Form No. R-54

Delta Dental of Pennsylvania has submitted Rider Form No. R-54 to its Dental Service Contract MC-3 which would allow a group to have an improving level of benefits for its subscribers based on the year of service of the subscriber with the purchasing group. This filing consists of three pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the

Insurance Department's offices in Harrisburg. Refer to Insurance Department File No. 9611060006001 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. 96-1986. Filed for public inspection November 22, 1996, 9:00 a.m.]

Pennsylvania Blue Shield; Manipulation Therapy Encounter Codes and Allowance Changes

On November 1, 1996, Pennsylvania Blue Shield submitted for the Department's review and approval allowance reductions for use with the Greater Philadelphia Preferred Provider Network in the Personal Choice programs and higher benefit maximums in Major Medical allowances to professional providers in the Philadelphia area for manipulation therapy encounter codes. The filing requests approval to implement these revised allowances effective retroactive to October 1, 1996. This filing consists of 13 pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie. Refer to Insurance Department File No. 9611040023001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Julie Cheung, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1987. Filed for public inspection November 22, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Michele and/or Richard J. Handyside; file no. 96-188-06070; Allstate Insurance Company; doc. no. P96-10-024; January 16, 1997, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1988. Filed for public inspection November 22, 1996, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Bucks County, Wine & Spirits Shoppe # 0917, 506 S. Second Street Pike, Southampton, PA 18966.

Lease Expiration Date: March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,500 net useable square feet of new or existing retail commercial space in an area north of Street Road, south of County Line, east of Second Street Pike and west of Davisville Road.

Proposals due: December 13, 1996, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe # 5101, 135 W. Cheltenham Avenue, Philadelphia, PA 19144.

Lease Expiration Date: August 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in an area north of Cheltenham Avenue, south of Washington Lane, east of Wayne Avenue and west of Germantown Avenue.

Proposals due: December 27, 1996, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 96-1989. Filed for public inspection November 22, 1996, 9:00 a.m.]

PENNSYLVANIA DEVELOPMENTAL DISABILITIES COUNCIL

Funding Availability

Under the provisions of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 1994, P. L. 103-230, and the rules of the Commonwealth for competitive bidding, this announcement serves to notify the public of the REISSUANCE of the Council's Request For Proposals (RFP) for two Objectives under the Council's approved plan for Federal fiscal years 1996, 1997 and 1998. Insofar as Federal funds for these years continue for State Council activities, the PA Council will make its Federal funds available to projects that successfully respond to the RFPs.

The remainder of this grant announcement delineates:

- the 96-98 Goals and Objectives that are re-issued,
- the number of projects to be funded per Objective,
- the annual grant level per project,
- the preproposal conference dates, and
- the proposal due dates per each Objective.

Preproposal Conferences will be held in the Council's Offices: Room 560 of the Forum Building in Harrisburg. Proposals are to be submitted to the Department of Public Welfare, Health and Welfare Building, Room 106, P. O. 2675, Harrisburg, PA 17102-2675. To receive a complete copy of the reissued RFP, written requests may be directed to: Developmental Disabilities Council, Attn: Mary Kent, Room 569 Forum Building, Harrisburg, PA 17120. This announcement is organized per the responsible Council Committee for each section of the Plan.

Advocacy Committee

Health Care Goal: The Council will promote the opening of access to publicly and privately funded health care supports and services needed by Pennsylvanians with developmental disabilities in settings they choose.

Health Care Financing and Delivery Objective: To ensure that Pennsylvanians with developmental disabilities receive the financing for health care supports and services at the scope, level and quality they need in settings they choose.

One project at \$100,000/year. Preproposal Conference Date/Time: 11 a.m., Tuesday, December 17, 1996. Proposal Due Date: Thursday, January 9, 1997.

Homes Committee

Capacity Building Goal: The Council will increase the availability of adequate numbers of living options and other social and community supports for people of all ages

with developmental disabilities by promoting the shift of public resources from facilities that segregate on the basis of disabilities to community supports, and by promoting informed choice by people about where and with whom they live, work and recreate.

Community Capacity Building for People with Cognitive Disabilities Objective: To promote the development of an effective coalition of citizens, consumers and families of persons with developmental disabilities to advocate for system changes that will ensure: 1) the repatriation to their home community of people with developmental disabilities currently residing in institutions; 2) innovative services to individuals transitioning from special education; and 3) adequate person centered supports for those on and off waiting lists who are living with aging care givers.

One project at \$60,000/Year. Preproposal Conference Date/Time: 10 a.m., Monday, March 3, 1997. Proposal Due Date: Thursday, April 10, 1997.

DON HAHN,
Acting Executive Director

[Pa.B. Doc. No. 96-1990. Filed for public inspection November 22, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Service Without Hearing

A-111250 F0075. West Penn Power Company. Application by West Penn Power Company, d/b/a Allegheny Power, for approval to begin to offer, render, furnish and supply electric utility service to a different territory in redevelopment zones at 1) South Side Works in the City of Pittsburgh, Allegheny County, PA, and 2) Nine Mile Run in the City of Pittsburgh, Allegheny County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 9, 1996, under 52 Pa. Code (relating to public utilities).

Attorneys for Applicant: John L. Munsch, Attorney, West Penn Power Company, 800 Cabin Hill Drive, Greensburg, PA 15601-1689.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1991. Filed for public inspection November 22, 1996, 9:00 a.m.]

Gas Service Without Hearing

A-121200 F5001. PG Energy, Inc. Joint Application of PG Energy, Inc., Francis P. Bifano and Honesdale Gas Company for approval of the acquisition by PG Energy, Inc., and sale by Francis P. Bifano of all of the issued and outstanding capital stock of Honesdale Gas Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 9, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for Applicants: Jan P. Paden, Attorney, Rhoads and Sinon, LLP, PG Energy, Inc., Honesdale Gas Company, Dauphin Bank Building, Twelfth Floor, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1992. Filed for public inspection November 22, 1996, 9:00 a.m.]

Fuel Cost Adjustment Statement; Doc. Nos. M-FACG9604, 9606, 9608, 9609, 9610, 9611, 9612, 9613, 9614, 9615, 9616 and 9617

This notice is to inform the public that the following companies:

Gasco Distribution Systems, Inc.—Claysville Division
Gasco Distribution Systems, Inc.—Kane Divisions
Andreassi Gas Company
Herman Oil & Gas Company, Inc.
Kaylor Natural Gas Company
Walker Gas & Oil Company, Inc.
R. A. Baker Gas Company
Herman Riemer Gas Company
Chartiers Natural Gas Company, Inc.
Pine-Roe Natural Gas Company
Clarion River Gas
North East Heat and Light Company

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment clause (Fuel Cost Adjustment) for the 12 month period ending August 31, 1996.

The filing of these statements is required by section 1307(e) of the Public Utility Code, Pa.C.S. § 1307(e).

The Pennsylvania Public Utility Commission has scheduled an initial hearing on Thursday, December 19, 1996, at 10 a.m. in a Commission Hearing Room, Ground Floor, North Office Building, Harrisburg, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1993. Filed for public inspection November 22, 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 December 16, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.

A-00099073, F. 5. SMH, Inc. (3132 Industrial Boulevard, Bethel Park, Allegheny County, PA 15102), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, (a) between points in the counties of Allegheny, Beaver, Fayette, Greene, Lawrence and Washington, and from points in the said counties to points in Pennsylvania within 125 miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, and vice versa; (b) between points in the borough of Ellwood City, Lawrence County, and within 10 miles by the usually traveled highways of the limits of said borough, and from points in said territory to points in Pennsylvania within 125 miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, and vice versa; (c) from points in the borough of Clymer, Indiana County, and within 25 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania within 125 miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, and vice versa; (d) from points in the borough of Leechburg, Armstrong County, and within 10 miles by the usually traveled highways of the limits of said borough to points in Pennsylvania within 125 miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, and vice versa; (e) from points in the city of Pittsburgh, Allegheny County, to other points in Pennsylvania, and vice versa; (f) between points in the city of Erie, Erie County; from points in the city of Erie, Erie County; (g) from points in the city of Erie, Erie County, to points within 20 miles by the usually traveled highways of the public square in said city, and vice versa; (h) from points in the city of Erie, Erie County, and within 20 miles by the usually traveled highways of the limits of said city to points in Pennsylvania within 125 miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, and vice versa; right (c) subject to the following condition: that no right power or privilege is granted to provide service to, from or between points in White Township and the borough of Indiana, Indiana County; and (2) property, except household goods in use, between points in Pennsylvania; which is to be a transfer of part of the rights authorized to Leelease, Inc., under the certificate issued at A-00107868, subject to the same limitations and conditions. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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-00109506, F.1, AM-C. South Hills Movers, Inc. (NEW) (3132 Industrial Boulevard, Bethel Park, Allegheny County, PA 15102), 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 in connection with a removal by the householder from one house or dwelling

to another; furniture, fixtures, equipment and the property of stores, offices, museums, laboratories, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, laboratories, institutions, hospitals or other establishments, in connection with a removal from one location to another; and articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods, between points in the county of Fayette and from points in the said county to other points in Pennsylvania, and vice versa; subject to the following condition: that (except as presently authorized) the authority herein granted is limited to deliveries to the home, establishments or places of business of the ultimate user thereof, where such property if crated shall be uncrated and placed for exhibition or use and not for the purpose of resale: *so as to permit* the transportation of household goods in use, between points in the city of Pittsburgh, Allegheny County, and points within 125 miles by the usually traveled highways of the limits of said city; subject to the following conditions: (a) that no right, power or privilege is granted to provide service to, from or between points in the county of Beaver, (b) that no right, power or privilege is granted to provide service to, from or between points in the counties of Allegheny, Fayette, Greene, Lawrence and Washington, (c) that no right, power or privilege is granted to provide service to, from or between points in the borough of Ellwood City, Lawrence County, and within 10 miles by the usually traveled highways of the limits of said borough, (d) that no right, power or privilege is granted to provide service to, from, or between points in the borough of Clymer, Indiana County, and within 25 miles by the usually traveled highways of the limits of said borough (except that service may be provided to, from or between points in White Township and the borough of Indiana, Indiana County, (e) that no right, power or privilege is granted to provide service to, from or between points in the borough of Leechburg, Armstrong County, and within 10 miles by the usually traveled highways of the limits of said borough, (f) that no right, power or privilege is granted to provide service between points in the city of Erie, Erie County; from points in the city of Erie, Erie County, to points within 20 miles by the usually traveled highways of the public square in said city, and vice versa; or from points in the city of Erie, Erie County, and within 20 miles by the usually traveled highways of the limits of said city to points in Pennsylvania within 125 miles by the usually traveled highways of the limits of the city of Pittsburgh, Allegheny County, or vice versa; which is to be a transfer of part of the rights authorized to Leelease, Inc., under the certificate issued at A-00107868, subject to the same limitations and conditions. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219-2383.

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-00111425, Folder 2, Am-A. Daniel R. Koebler, t/d/b/a Crown Limousine Service (701 East Main Street, Grove City, Mercer County, PA 16127), persons in limousine service, between points in the townships of Liberty, Pine and Wolf Creek, and the borough of Grove City, Mercer County, and from points in said townships and borough, to points in Pennsylvania: *so as to permit* the transportation of (A) persons in limousine service

between points in: (1) the townships of Worth, Jackson, Coolspring, Findley, Springfield and East Lackawannock, and the boroughs of Jackson Center and Mercer, all located in Mercer County; (2) the county of Butler; and (3) the townships of Irwin, Clinton, Scrubgrass, Mineral, Victory, Frenchcreek, Sandycreek, Cranberry and Cornplanter, and the boroughs of Barkleyville, Clintonville, Polk, Utica, Sugarcreek, Seneca and Rouseville, and the cities of Franklin and Oil City, all located in Venango County; and from points in said territories, to points in Pennsylvania, and return; and (B) persons in limousine service between points in: (1) the townships of Liberty, Pine, Wolf, Creek, Worth, Jackson, Coolspring, Findley, Springfield and East Lackawannock, and the boroughs of Grove City, Jackson Center and Mercer, all located in Mercer County; (2) the county of Butler; and (3) the townships of Irwin, Clinton, Scrubgrass, Mineral, Victory, Frenchcreek, Sandycreek, Cranberry and Cornplanter, and the boroughs of Barkleyville, Clintonville, Polk, Utica, Sugarcreek, Seneca and Rouseville, and the cities of Franklin and Oil City, all located in Venango County; and from points in said territories, to points in the counties of Mercer, Venango, Clarion, Butler, Armstrong, Allegheny and Lawrence, and vice versa.

**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 December 9, 1996.

- A-00113509 Prestige Delivery Systems, Inc.
P. O. Box 28375, Warrensville Heights,
OH 44218; James Duval, Esquire,
Sanborn, Brandon, Duvall & Vallentine
Co., 2515 West Granville Road, Colum-
bus, OH 43235
- A-00113510 Wayne E. Gohn
R. D. 2, Box 252, Boswell, PA 15531
- A-00113511 Neon Express, Inc.
P. O. Box 541, Richboro, PA 18954-0541
- A-00113514 Classic Motor Lines, Inc.
P. O. Box 703, Philipsburg, PA 16866;
David H. Radcliff, Esquire, Cherewks &
Radcliff, LLP, 3905 North Front Street,
Harrisburg, PA 17110
- A-00113515 Raymond Orchard
1001 Newton Road, Clarks Summit, PA
18411
- A-00113516 Forest Glover, t/d/b/a K and B Truck
Services
P. O. Box 164, Centerville, PA 16404
- A-00113517 Lane Enterprises Trucking, Inc.
3905 Hartzdale Drive, Suite 514, Camp
Hill, PA 17011, Andrew K. Light, Es-
quire, Scopelitis, Garvin, Light &
Hanson, 10 West Market Street, Suite
1777, Indianapolis, IN 46204-2971
- A-00113519 Merle Toy, Jr., and Sons, Inc.
P. O. Box 117, Worthington, PA 16262;
Kent S. Pope, Ten Grant Street, Clarion,
PA 16214

- A-00113520 S & S Transportation, Inc.
P. O. Box 7, Rantoul, IL 61866; Thomas
G. Hamill, P. O. Box 337, Rantoul, IL
61866-0337
- A-00113521 Weinstock, Inc.
3431 East Gate Court, Holland, PA
18966; Joseph R. Davison, P. O. Box
319, Media, PA 19063
- A-00113522 Ember Industries, Inc.
P. O. Box 189, Westover, PA 16692
- A-00113523 S & S Processing, Inc.
P. O. Box 32, Ellwood City, PA 16117
- A-00113524 Mary Fuska
229 Fig Avenue, Johnstown, PA 15901
- A-00113525 Delaware Valley Transport, Inc.
120 Franklin Avenue, Scranton, PA
18503
- A-00113526 R. Wayne Brion
245 Maple Shade Road, Christiana, PA
17509
- A-00113527 Dahlen Transport, Inc.
1680 Fourth Avenue, Newport, MN
55055
- A-00113528 Kenneth A. Washington, t/d/b/a W. & W.
Hauling
7 Glen Ridge Drive, Downingtown, PA
19335
- A-00113529 Brian J. Holmes, t/d/b/a Brian Holmes
Trucking
P. O. Box 285, 229 Indianola Drive,
Indianola, PA 15051
- A-00113530 Nick Falcone & Sons, Inc.
650 Painter Street, Media, PA 19063
- A-00113531 Joseph Kulaga, t/d/b/a Joseph Kulaga
Trucking
R. R. 3, Box 308, Drums, PA 18222;
Gordon L. Bigelow, Esquire, Bigelow &
Bigelow, Valley Law Office, 2 Brookhill
Road, P. O. Box 1334, Conyngham, PA
18219

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1994. Filed for public inspection November 22, 1996, 9:00 a.m.]

**Situation of Buildings
Without Hearing**

A-110550 F0128. PECO Energy Company. Application of PECO Energy Company for a finding of necessity for the situation of buildings on a site in Tredyffrin Township, Chester County, PA, containing approximately 60 acres, on applicant's Berwyn Campus.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 9, 1996, under 52 Pa. Code (relating to public utilities).

Attorneys for Applicant: Ward L. Smith, Assistant General Counsel, PECO Energy Company, 2301 Market Street, S23-1, P. O. Box 8699, Philadelphia, PA 19103-8699.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1995. Filed for public inspection November 22, 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, December 5, 1996, for Project #96-317-001 (Bulk Rock Salt Requirements). The Bid Document can be obtained from the Procurement Administrator, Philadelphia Regional Port Authority, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available November 26, 1996. PRPA is an equal opportunity employer. Vendor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 96-1996. Filed for public inspection November 22, 1996, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Nutrient Management Advisory Board Meeting

Notice is hereby given of the remaining 1996 meeting of the Nutrient Management Advisory Board. The Board will meet December 11, 1996, in Room 309 of the Agriculture Building at 2301 N. Cameron Street, Harrisburg, PA, from 9 a.m. to 3:30 p.m. The purpose of the meeting is to come to an agreement on proposed changes to the Nutrient Management Act regulations.

Questions regarding this meeting can be directed to Doug Goodlander, Bureau of Plant Industry, at 2301 N. Cameron Street, Harrisburg, PA 17110. Doug Goodlander can be reached at (717) 772-4187, or at e-mail address dgoodlander@pda005.pda.state.pa.us. Following the meeting, the minutes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons with a disability who wish to attend, and require an auxiliary aid, service or other accommodation should contact Doug Goodlander at (717) 772-4187, or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department of Agriculture can accommodate their needs.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 96-1997. Filed for public inspection November 22, 1996, 9:00 a.m.]

STATE TRANSPORTATION ADVISORY COMMITTEE

Meeting Scheduled

The State Transportation Advisory Committee will hold a scheduled quarterly meeting on Thursday, December 5, 1996. This meeting is open to the public and will begin at 10 a.m. at the following location: Executive Conference Room 1201, Transportation and Safety Building, Harrisburg, PA 17120.

The meeting location is accessible to persons having disabilities. Any persons having special needs or requiring special aides are requested to contact the State Transportation Commission Office at (717) 787-2913 in order that special disability needs may be accommodated.

H. MICHAEL LIPTAK,
Chairperson

[Pa.B. Doc. No. 96-1998. Filed for public inspection November 22, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

The Turnpike Commission is requesting a sealed bid for: Refurbished IBM Equipment, Open Date: December 9, 1996, at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-1999. Filed for public inspection November 22, 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

Commodities

1457116 Clothing and individual equipment—7,200 each; baseball cap, 12 oz. polyester warp knit; pro design pattern.

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

1420386 Containers, household, commercial, packaging and packing—20 each; "HID-A-BAG" with standard stainless steel handles (n) and self-closing lids.

Department: Conservation and Natural Resources
Location: Erie, Erie County, PA 16505-8510
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1324116 Hazardous detecting instruments and accessories—24 each; gas detector/monitor.

Department: Corrections
Location: Various Facilities
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8158930 Highway materials—2,148 square feet; bridge flooring.

Department: Transportation
Location: Allentown, Lehigh County, PA 18103
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1322216 Household and commercial furnishings and appliances—1 each; purchase and installation of a Hobart Model FT 800 (818) series dishwasher; no substitutions.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA 17105-1300
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8217120 Measuring machines—2 each; vertical inclinometer sensor (metric) w/appropriate cable.

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

1379206 Medical, dental and veterinary equipment and supplies—10,000 each; furnish and deliver compact first aid kits.

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

1451226 Safety equipment and supplies—75 each; body armor.

Department: Fish and Boat Commission
Location: Harrisburg, Dauphin County, PA 17106-7000
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1432156 Ships, small crafts, pontoons, floating docks—1 each; fiberglass center console 19' law enforcement patrol boat (Boston Whaler 19' Justice or approved equal).

Department: Conservation and Natural Resources
Location: Jamestown, Cambria County, PA 16134-0425
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1315216 Trucks and construction vehicles—1 each; 1997 Model van body truck.

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

1359226 Trucks and construction vehicles—4 each; 1997 Model compact enclosed type 4X4 truck.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17105
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Computer Related Services—08

PFBC/PGC-1996-01 Consultant to assist in determining the feasibility of contracting for development of an Automated Sportsmen's Database System (ASDS) and Point-of-Sale (POS) System that could jointly be used by the PA Fish and Boat Commission and the PA Game Commission. Such a system is expected to serve both agencies by handling retail sales functions for fishing licenses, hunting licenses, and related products, and provide a data base that could be used for harvest surveys for fish and wildlife population management purposes, as well as demographic surveys that describe the participant and their methods. Also, such a system could be used for public opinion surveys to improve recreational opportunities and to determine trend surveys concerning hunting and angling. The consultant is expected to be knowledgeable in the areas of computers, on-line transaction processing, telecommunications, systems and procedures, and State government constraints. This is a joint project funded by the Fish and Boat Commission and the Game Commission.

Department: Fish and Boat Commission/Game Commission
Location: 3532 Walnut Street, Harrisburg, PA 17109
Duration: Nine (9) months
Contact: Thomas E. Thomas, (717) 657-4369

Construction and Construction Maintenance—09

DGS 948-41SM1.1 Project title: Site Management. Brief description: providing, installing and maintaining construction facilities including fencing, construction trailers, temporary site utilities, disconnection of existing utilities serving and within the existing building. Site management. Plans deposit \$75.00 per set. Payable to Brinjac, Kambic & Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic & Associates, Inc., 114 North Second Street, P. O. Box 1290, Harrisburg, PA 17108-1290, telephone (717) 233-4502. Bid date: Monday, December 9, 1996 at 2:00 p.m. Pre-bid conference has been scheduled for November 27, 1996, 9:30 a.m. in Transportation and Safety Building, Room G-100, (Old Motor Vehicles Office -Ground Floor). Contact person Jay Browne, telephone (717) 233-4502. All contractors who have secured contract documents are invited, and urged, to attend this pre-bid conference.

Department: General Services
Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA
Duration: 360 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

080931 Mercer County, SR 19 (04M); Clearfield County, SR 322 (A03); McKean County, SR 46 (A01); Luzerne County, Group 4-97-T1; Wayne County, SR 4015 (670); Lehigh County, SR 1004 (01B); Chester County, SR 30 (M04); Chester County, Group 6-96-ST16; Chester County, SR 3048 (PO3); Delaware County, SR 322 (PED); Dauphin County, SR 2018 (003); Perry County, SR 274 (008); Huntingdon County, SR 2014 (001); Armstrong County, SR 28 (154/155/250); Fayette County, SR 119 (14R); Washington County, SR 1009 (J10); Westmoreland County, SR 30 (14R); Bucks County, Group 6-97-6MB; Bucks County, Group 6-97-TIMB; Delaware County, Group 6-97-7MD; Montgomery County, Group 6-97-5MM.

Department: Transportation
Location: Districts 1-0, 2-0, 4-0, 5-0, 6-0, 8-0, 9-0, 10-0, 12-0
Duration: FY 1996
Contact: V. C. Shah, (717) 787-5914

Elevator Maintenance—13

Inquiry No. 7389 Elevator maintenance.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Environmental Maintenance Service—15

BOGM 95-6R Clean out and plug one abandoned oil and gas well on the Yoder property. Estimated to be 6500 feet deep.

Department: Environmental Protection
Location: Rome Township, Bradford County, PA
Duration: 45 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

HSCP 6-009-101.1 Soil remediation of the Shaler/JTC Site. Involves off-site disposal of an estimated 12,800 tons of building debris and coal refuse, 1000 tons of building debris containing asbestos, 1035 tons of concentrated waste, 42,100 C. Y. of in-site soil solidification, 1700 L. F. fencing and 8.5 acres of soil cover and revegetation.

Department: Environmental Protection
Location: Bruin Borough, Butler County, PA
Duration: 210 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Food—19

8266 Bread, rolls and related products, fresh. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an aggregate basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday except State and National holidays.

Department: Public Welfare
Location: Warren State Hospital, Route 62 North, North Warren, Warren County, PA 16365
Duration: January 1, 1997—June 30, 1997
Contact: BD Muntz, (814) 726-4496

8270 Miscellaneous foods. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an item by item basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday except State and National holidays.

Department: Public Welfare
Location: Warren State Hospital, Route 62 North, North Warren, Warren County, PA 16365
Duration: January 1997
Contact: JD Sample, (814) 726-4448

8269 Meat and meat products. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an item by item basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday except State and National holidays.

Department: Public Welfare
Location: Warren State Hospital, Route 62 North, North Warren, Warren County, PA 16365
Duration: January 1997
Contact: JD Sample, (814) 726-4448

Fuel Related Services—20

Inquiry No. 7387 Control/metering equipment maintenance (maintain, calibrate, adjust, repair and/or replace components of the boiler plant control system). Site visit required.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Hazardous Material Services—21

19,619 Contractor shall remove all asbestos from D Annex at the State Correctional Institution at Dallas. Unit contains approximately 1,800 feet straight pipe insulation, 240 elbows and fittings. A site visit will be required.

Department: Corrections
Location: State Correctional Institution at Dallas, Dallas, PA 18612
Duration: January 1, 1997 through June 30, 1997
Contact: Robert Faneck, Business Manager, (717) 675-1101

Inquiry No. 7385 Asbestos waste disposal (pick-up, transport and dispose of asbestos waste).

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/99
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

DGS 948-41EC1.6 Project title: Asbestos and Hazardous Materials Abatement. Brief description: removal and disposal of asbestos and hazardous materials and the abatement of PCB contamination on the ground floor. Asbestos abatement. Plans deposit: \$75.00 per set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2325, (717) 763-7211. Bid date: Monday, December 9, 1996 at 2:00 p.m. A mandatory pre-bid conference and walk-through has been scheduled for Monday, November 25, 1996 at 4:00 p.m. in Room G-100 Transportation and Safety Building, Harrisburg, PA. Walk-through immediately following the pre-bid. Contact person Thomas S. Brown, telephone (717) 763-7211, ext. 2255. All contractors who have secured contract documents are mandated and urged to attend this pre-bid conference and walk-through.

Department: General Services
Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Heating, Ventilation, Air Conditioning—22

IN-711.2 Heating system improvements Wahr and Langham Halls. Work included under this project consists of heating system improvements, Wahr and Langham Halls consisting of removing existing piping, flash tanks, condensate pumps, heat exchangers, etc., to furnish and install piping, valves, flashtanks, tank heaters, convectors, 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 Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

5091 Contractor shall remove baffles and bottom two (2) chilled water coils to enable the hospital to remove and seal flooring; contractor to install stainless steel drain pans and pipe to drain; reinstall coils, baffles and piping, reinsulating as required; test coils and, as necessary, repair following reinstallation.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: April 1, 1997 through April 30, 1997
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Laboratory Services—24

Inquiry No. 7391 Laboratory services.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Laundry/Dry Cleaning and Linen/Uniform Rental—25

SC-96-020 To provide total laundry service for a 202 bed Veterans nursing home. Contractor will be responsible for supplying all linens, towels, washcloths, etc. Pick up and delivery as specified by facility. Resident personal laundry will not be part of this contract.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through June 30, 2000
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

Lodging/Meeting Facilities—27

SP 323036 Readvertisement to provide meeting facilities, meals, and lodging (2 nights) for approximately 225 to 250 people (140 rooms). Facility must be available September 16 through 18, 1998 or September 23 through 25, 1998 and must be located within a 100-mile radius of Harrisburg, PA.

Department: Conservation and Natural Resources
Location: State Parks and Forestry, Within a 100-mile radius of downtown Harrisburg, PA
Duration: Dates as stated above
Contact: Janet Wotring, (717) 783-3309

SP 331501 Provide meeting facilities, meals, and lodging (2 nights) for approximately 250 people (140 rooms). Facility must be available on one of the following set of dates: October 7 through 9, 1998 or October 14 through 16, 1998, or October 21 through 23, 1998, or October 28 through 30, 1998; and must be located within a 100-mile radius of Harrisburg, PA.

Department: Conservation and Natural Resources
Location: Within a 100-mile radius of downtown Harrisburg, PA
Duration: Dates as stated above
Contact: Janet Wotring, (717) 783-3309

Medical Services—29

Inquiry No. 7392 Medical examinations for employees performing asbestos abatement work.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 07/01/97—06/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

5092 Lease of new electrolyte chemistry analyzer with printer and primary tube autosampler for thirty-six (36) month period; measures: sodium, potassium, chloride, lithium, hematocrit. Maintenance to be included in lease price.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: February 1, 1997 through January 31, 2000
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Inquiry No. 7393 Portable x-rays to patients of Danville State Hospital.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/99
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Property Maintenance—33

AE-1889 Pass door replacement. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Greensburg, Westmoreland County, PA
Duration: 120 calendar days, proposed bid December 1996
Contact: Tina Chubb, (717) 787-7001

MI-671 Rebid Project title: Landes Hall Bathroom Renovations. Scope of work: replacing existing and installation of new shower partitions, shower pans, and associated equipment including plumbing fixtures. Plans cost: \$50.00.

Department: State System of Higher Education
Location: Millersville University, Landes Hall, Millersville, Lancaster County, PA 17551-0302
Contact: Bernadette J. Wendler, Dilworth Building, (717) 872-3829

GYMFL-001 The Hiram G. Andrews Center is seeking the services of a contractor to repair, refurbish, and paint the facility gymnasium floor. The approximate size of the floor is 8700 square feet and the contractor will be required to provide all materials, supervision, and labor to complete the renovation.

Department: Labor and Industry
Location: Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905
Duration: January 1, 1997 to December 31, 1997
Contact: R. D. Robinson, Purchasing Agent, (814) 255-8210

DGS A 960-83 Project title: Partial Roof Replacement. Brief description: replace roof on center section of the one story nursing home. The new roof is to be EPDM with three (3) inch Isoboard insulation. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, December 11, 1996 at 11:00 a.m.

Department: General Services
Location: Soldiers and Sailors Home, Erie, Erie County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Inquiry No. 7394 Window washing. Site visit required.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/99
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

BM-0800-04 Repairs to damaged pony truss bridge.

Department: Transportation
Location: SR 3008 (Cunningham Road) over Marsh Creek on the Freedom/Cumberland Township line in Adams County, PA
Duration: March 01, 1997 to June 30, 1997
Contact: Ray E. Ebersole, (717) 787-4735

FM 087996-04 Repair gym floor—removal of existing clay tile flooring, preparing existing concrete sub-floor and replacement with the new seamless type flooring.

Department: Public Welfare
Location: Selinsgrove Center, Selinsgrove, Snyder County, PA 17870
Duration: February 1, 1997 to June 30, 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

SP-315254 Provide materials and installation of deer fencing at approximately 5,700 linear feet perimeter of a portion of the Belle Draft Road, Timber Sale 13-95BC15, Crank Auger, Benazette Township, Elk County.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Forest District 13, Crank Auger Site, Benazette Township, Elk County, PA
Duration: June 30, 1997
Contact: Robert W. Martin, Jr., Forest District Manager, (814) 486-3353

SP-315255 Provide materials and installation of deer fencing at approximately 7,700 linear feet perimeter of a portion of the Pennock Road, Timber Sale 13-96BC06, in Shippen Township, Cameron County.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Forest District 13, Pennock Road, Shippen Township, Cameron County, PA
Duration: June 30, 1997
Contact: Robert W. Martin, Jr., Forest District Manager, (814) 486-3353

AE-4019 Window replacement. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, District 11-1, Oakdale, Allegheny County, PA
Duration: 90 calendar days, proposed bid date December 1997
Contact: Tina Chubb, (717) 787-7001

96-0390-035 Furnish all labor, materials and equipment necessary for the screening/discing, patching, filling, repainting game lines, sealing, as needed, of one 64 foot by 81 foot (approximate) hardwood gym floor.

Department: Education
Location: Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602
Duration: 7-1-96 through 6-30-97
Contact: Betty Tompos, Business Manager, (717) 299-7749

KU 97-10 Kutztown University is interested in obtaining bids for the renovation of the West Dining Room located in the University's South Dining Hall. Scope of work includes, but is not limited to: new finishes for floor/ceiling/walls, new lighting, 2 new air handling units and associated duct work, and window coverings. Interested contractors can obtain plans/specifications from: H2L2—Architects/Planners, 714 Market Street, Philadelphia, PA 19106, telephone (215) 925-5300 for a non-refundable fee of sixty (\$60.00) dollars. Specifications are available November 25, 1996. There will be a pre-bid meeting on December 9, 1996 at 10:00 a.m. Bids are due December 20, 1996 by 2:00 p.m. and will be opened December 23, 1996 at 2:00 p.m. The System encourages responses from small firms, minority firms, women owned firms, and firms which may not have previously performed work for the System, and will consider joint-ventures which will enable these firms to participate in System contracts.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: Approximately 120 days after notice to proceed
Contact: Barbara Reitz, (610) 683-4132

Real Estate Services—35

080930 Independent Fee Appraisers are to be solicited to prepare Real Estate Appraisal(s) for Right of Way damages in Montgomery County for S.R. 0063-NP1. Department policy requires only fee bids from Commonwealth Pre-Qualified Appraisers be considered.

Department: Transportation
Location: Engineering District 6-0
Duration: FY 1996
Contact: Bruce A. Hattersely, (610) 768-3013

Security Services—37

Inquiry No. 7390 Fire alarm system service.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

SP 270798 The Security Service Provider (SSP) will establish a security program to protect work, existing premises and using agency operations from theft, vandalism, and unauthorized entry which will consist of providing three (3) security guards on a 24-hour basis.

Department: General Services
Location: Area Surrounding Transportation and Safety Building, Harrisburg, PA 17125
Duration: 1/6/97—1/5/98
Contact: Quentin Larsen, (717) 657-0909

Vehicle, Heavy Equipment and Powered Machinery Services—38

350022 To provide service for circulating parts cleaner, brake cleaner and paint gun cleaner unit rental and/or services, agencywide. For lease, installation, replenishment of solvent, removal of used solvent, transportation manpower, and service of circulating parts cleaner, brake cleaner and paint gun cleaner units. Service replenishment of solvent removal of used solvent, transportation, manpower, and service of Department owned parts cleaner units. The units must be cleaned and maintained with the replenishment and removal of solvent for locations throughout the State. Fax (717) 783-7971.

Department: Transportation
Location: Statewide
Duration: January 1, 1997—December 31, 1999 with an option for 1 two (2) year renewal and 1 one (1) year renewal
Contact: Tina Chubb, (717) 787-7001

0800-96-12-PU-TKS PA Department of Transportation intends to rent the following equipment: two (2) trucks, each one 9,000 to 15,000 G.V.W., all wheel/4 wheel drive, minimum 8 feet 2 way snow plow, with or without spreader, with operator.

Department: Transportation
Location: Transportation Department Roadside Rest Areas in Dauphin and Cumberland Counties
Duration: December 5, 1996 to April 30, 1999
Contact: R. Wiest, (717) 783-0443

Inquiry No. 7386 Backhoe/bulldozer service. Contractor shall supply a backhoe and/or bulldozer with qualified operator.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Miscellaneous—39

Inquiry No. 7388 Electric motor repair service.

Department: Public Welfare
Location: Danville State Hospital, Danville, PA 17821-0700
Duration: 7/1/97—6/30/2000
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

[Pa.B. Doc. No. 96-2000. Filed for public inspection November 22, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & 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> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1092356-01	11/08/95	Double Envelope Co.	3,815.00
1092356-02	11/08/96	Formex	3981.96
1092356-03	11/08/96	Reservoir Stationers, Inc.	7,009.90
1110156-01	11/08/96	Siemens Medical Systems, Inc.	102,942.00
1203306-01	11/08/96	Lane Science Equipment Corp.	16,600.00
1221216-01	11/08/96	Howells Lancaster Autoglass	7,257.60
1221216-02	11/08/96	Clarke Industries, Inc.	6,696.00
1276726-01	11/08/96	Packaged Electrical Power	11,883.50
1284046-01	11/08/96	Moore Business Forms, Inc.	2,874.00
1286226-01	11/08/96	Aquatic Systems Engineering	72,961.00
1290206-01	11/08/96	Cardels	3,279.00
1303116-00	11/08/96	Waymart Building Supply	18,350.95
2420-01	11/14/96	Motrim, Inc.	\$10,000.00
2420-01	11/14/96	Groff Tractor and Equip. Co.	5,000.00
2420-01	11/14/96	ABC Groff, Inc.	15,000.00
2420-01	11/14/96	Hollingers Lawn and Garden Equipment	10,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
2420-01	11/14/96	Gravelly International, Inc.	5,000.00
2420-01	11/14/96	Plasterer Equipment Co., Inc.	5,000.00
2420-01	11/14/96	Philadelphia Turf Co.	5,000.00
2420-01	11/14/96	John Deere Co.	15,000.00
2420-01	11/14/96	Hines Equipment	15,000.00
2420-01	11/14/96	Grasshopper Co.	5,000.00
2420-01	11/14/96	Finch Turf Equipment, Inc.	10,000.00
2420-01	11/14/96	Kut-Kwick Corp.	5,000.00
2420-01	11/14/96	Excel Industries, Inc.	5,000.00
2420-01	11/14/96	Micro-Mower Co.	5,000.00
2420-01	11/14/96	Lawn and Golf Supply, Inc.	5,000.00
8204780-01	11-08-96	Creasey Printing Services	33,129.60
8205550-01	11/08/96	Staples	7,294.88
8217030-01	11/08/96	Textile Chemical Co., Inc.	51,900.00
8231420-01	11/08/96	Wayne Dodge/Ozzie's Ford	74,835.40
8231450-01	11/08/96	Wayne Dodge/Ozzie's Ford	196,097.20
8231660-01	11/08/96	Phillips Ford Sales	98,995.00

GARY E. CROWELL,
Secretary

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