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# PENNSYLVANIA BULLETIN

Volume 28

Number 47

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**Agencies in this issue:**

The Courts

Department of Banking

Department of Environmental Protection

Department of General Services

Department of Labor and Industry

Department of Revenue

Department of Transportation

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

Liquor Control Board

Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**

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

**No. 288, November 1998**

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**PENNSYLVANIA**



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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 200, 1300 AND 3000]

#### Proposed Amendments Governing Liens Upon Real Property and Revival of Judgments; Proposed Recommendation No. 151

The Civil Procedural Rules Committee proposes that the Rules of Civil Procedure be amended as provided herein with respect to liens upon real property and revival of judgments. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than February 12, 1999 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or E-Mail to [civil.rules@supreme.court.state.pa.us](mailto:civil.rules@supreme.court.state.pa.us).

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. The comment will neither constitute part of the rules of civil procedure nor be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

*(Editor's Note: The following is a new rule. It is printed in regular type to enhance readability.)*

#### Rule 227.5. Entry of Judgment in Judgment Index.

(a) Upon entry of judgment by the court or on order of court or praecipe of a party, the prothonotary shall immediately index the judgment in the judgment index.

(b) The entry in the judgment index shall state

- (1) the names of the parties,
- (2) the number of the case,
- (3) the amount of the judgment if for a sum certain, and
- (4) the date of indexing.

**Official Note:** Section 8142 of the Judicial Code, 42 Pa.C.S. § 8142(e), requires the prothonotary to "note on the dockets in such office where each verdict, judgment, order, instrument or writ creating a lien against real property is entered, the time it was recorded, rendered, left for filing, or issued."

#### CHAPTER 1300. COMPULSORY ARBITRATION

#### Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award.

\* \* \* \* \*

(b) The award for the payment of money when entered in the judgment index shall be a lien [ upon the party's real estate, ] which shall bind the real prop-

erty, located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue [ during the pendency of an appeal or until extinguished according to law. ] for five years from the date on which the award was entered in the judgment index or until sooner discharged according to law, regardless of the pendency of an appeal. If the appeal is not concluded or the lien is not discharged within five years after the date on which the award was indexed in the judgment index, the court may extend the lien as provided by Rule 3030(c).

**[ Official Note: Subdivision (b) continues the practice under the Act of June 16, 1836, P. L. 715, 5 P. S. § 54, repealed by the Judiciary Act Repealer Act of 1978 (JARA), 42 P. S. 20002(a)[ 149 ]. ]**

(c) If no appeal is taken within thirty days after the entry of the award on the docket, the prothonotary on praecipe shall enter judgment on the award.

**[ Official Note: Subdivision (c) continues the practice under the Act of June 16, 1836, P. L. 715, 5 P. S. § 58, repealed by JARA, and under superseded Rule 247.1. ]**

#### CHAPTER 3000. JUDGMENTS

*Editor's Note:* Rules 3020 and 3021 are new rules. They are printed in regular type to enhance readability.)

#### Rule 3020. Verdict or Order. Indexing. Lien. Award of Arbitrators.

(a) The prothonotary shall index a verdict or order for a specific sum of money in the judgment index with the notation "verdict" or "order" and include its amount and the date and time it was rendered.

(b) A verdict or order when indexed in the judgment index shall be a lien which shall

(1) date from the time of its rendition, provided that no innocent purchaser without notice shall be prejudiced,

(2) bind the real property, located within the county, title to which at the time of the verdict's rendition is recorded in the name of the person against whom the verdict or order was rendered, and

(3) continue for five years from the date on which the verdict or order was indexed in the judgment index or until sooner discharged according to law.

(c) An award of arbitrators shall be a lien as provided by Rule 1307(b).

**Official Note:** An order is defined by section 102 of the Judicial Code, 42 Pa.C.S. § 102, to include, inter alia, a decision, a decree and an adjudication.

Section 8141(3) of the Judicial Code provides that the lien of a verdict for a specific sum of money shall have priority from the time it is recorded by the court. Section 8142(b) provides for the endorsement of time on recorded verdicts.

#### Rule 3021. Judgment. Lien. Duration.

(a) Except as provided by subdivisions (b) and (c), a judgment entered and indexed in the judgment index in a court of record in any county in this Commonwealth shall be a lien which shall bind real property, located in the

county, title to which at the time of indexing is recorded in the name of the person against whom the judgment is indexed.

**Official Note:** See Rule 3001 et seq. for the transfer of a judgment to another county.

(b) The lien of a judgment entered upon a verdict or order indexed as provided by Rule 3020 shall

(1) date from the time the verdict or order was rendered, provided that no innocent purchaser without notice shall be prejudiced, and

(2) bind real property, located in the county, title to which is recorded in the name of the person against whom the judgment was indexed, both at the time the verdict or order was indexed and at the time the judgment is indexed.

(c) The lien of a judgment entered upon an award pursuant to Rule 1307(c) shall

(1) date from the time of the indexing of the award in the judgment index, and

(2) bind real property, located in the county, title to which is recorded in the name of the person against whom the award was indexed, both at the time the award was indexed and at the time the judgment is indexed.

(d) The lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is revived or sooner discharged.

**Official Note:** A judgment may be revived in the manner provided by Rule 3025 et seq.

#### **Subchapter B. REVIVAL OF JUDGMENTS**

##### **Rule 3025. Commencement of Proceedings. Venue.**

A proceeding to revive and continue the lien of a judgment may be commenced by filing with the prothonotary of the county in which the judgment has been entered

(1) a praecipe for a writ of revival in substantially the form provided by Rule [ 3033 ] 3032, or

(2) an agreement to revive judgment in substantially the form provided by Rule 3034.

**Official Note:** [ For the substantive law governing the revival of judgments against defendants and terre-tenants see the Judgment Lien Law of 1947, 12 P. S. 877 et seq.

**The Acts approved September 26, 1951, P. L. 1505, 12 P. S. 885, as amended, and May 16, 1923, P. L. 207, as amended, 53 P. S. 7183, providing additional methods of revival of judgments in favor of the Commonwealth and for municipal and tax claims by the filing of suggestion of nonpayment remain unsuspended by these rules.**

**The Act approved April 22, 1909, P. L. 112, 12 P. S. 875 providing for consolidation and revival of separate judgments against the same defendant remains unsuspended by these rules. ]**

**Section 5526(1) of the Judicial Code requires that an action for revival of a judgment lien must be commenced within five years. See also Section 605 of the Goods and Services Installment Sales Act, 69 P. S. § 1605(b), requiring that a proceeding for revival of a judgment subject to the Act and entered by confession be commenced within one year from the lapse of the lien.**

**The following statutes provide for revival or continuation of liens by filing with the prothonotary a suggestion of nonpayment and an averment of default:**

**Section 1404 of the Act of April 9, 1929, P. L. 343, as amended, 72 P. S. § 1404, providing for revival of liens for state taxes, unpaid bonus, interest and penalties;**

**Section 15 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7183, providing for continuation of liens on municipal and tax claims;**

**Section 9 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7143 relating to municipal claims for taxes, water rents or rates, lighting rates, power rates and sewer rates.**

**See also statutory provisions relating to revival of municipal claims and liens, 53 P. S. § 7391 et seq.**

**Tax liens required to be filed by the Department of Revenue continue without the necessity of revival. See the Act of April 9, 1929, P. L. 343, No. 176, § 1404.1, 72 P. S. § 1404.1, added by Section 5 of the Act of December 12, 1994, P. L. 1015, No. 138.**

*(Editor's Note: The following is a new rule. It is printed in regular type to enhance readability.)*

##### **Rule 3025.1. Consolidation of Judgments.**

(a) A plaintiff who owns two or more judgments recovered against the same person in a particular county may combine and consolidate the judgments by filing a single praecipe requesting the issuance of a single writ of revival. The praecipe shall contain the court, number and amount of each judgment being consolidated. The new judgment, when entered, shall include the amounts due on all the old judgments.

(b) Two or more judgments against the same person may also be consolidated and revived by an agreement, substantially in the form provided by Rule 3034, which states the court, number and amount of each judgment and provides for the consolidation of the judgments, and sets forth the amount of the consolidated revived judgment.

**Official Note:** The terms "plaintiff" and "defendant" as used in the rules governing judgment liens and revival of judgments refer generally to the judgment creditor and judgment debtor, respectively. Thus, a defendant who holds a judgment against the plaintiff on a counterclaim would be a plaintiff for the purpose of these rules.

##### **Rule 3026. Parties. Generally.**

(a) The plaintiff shall name in the caption the original defendant and any terre-tenant against whom [ **he seeks to revive and continue** ] the lien of the judgment is to be revived and continued.

(b) If the judgment has been assigned or transferred, the caption shall contain the name of the original judgment plaintiff and the name of the real party in interest.

**Official Note:** [ For the effect of failure to name a defendant or terre tenant, see § 3 of the Judgment Lien Law of 1947, 12 P. S. 879. ] As to joinder of personal representatives of a deceased defendant, see Section 3382 of the Probate, Estates and Fiduciaries Code, [ **Act of June 30, 1972, P. L. 508, No. 164, § 3382,** ] 20 Pa.C.S. § 3382.

**See Rule 3026.2 governing terre-tenants as parties and Rule 3026.3 governing revival against a terre-tenant.**

(*Editor's Note:* Rules 3026.1—3026.3 are new rules. They are printed in regular type to enhance readability.)

**Rule 3026.1. Parties. Joint Defendants.**

(a) Except as provided by subdivision (b), if there is a judgment against two or more joint defendants, no revival shall be effective against any of such defendants unless all joint defendants are made parties to the revival proceedings.

(b) If all or fewer than all joint defendants agree to be bound, the revival shall be effective against all of the defendants so agreeing.

**Rule 3026.2 Parties. Terre-Tenants.**

(a) As used in Rule 3025 et seq., a terre-tenant is a person in whom title to real property subject to a lien provided by the Rules of Civil Procedure has vested.

**Official Note:** The rules governing the action of mortgage foreclosure use the term "real owner" in a similar sense. See Rule 1144(a)(3).

See Rule 3020 which provides for the lien of a verdict or order or compulsory arbitration award, Rule 3021 which provides for the lien of a judgment, Rule 3027 which provides for the lien of a writ or agreement of revival and Rule 3104 which provides for the lien of a writ of execution.

(b) The term "terre-tenant" shall not include

(1) any person claiming under or whose claim of title passes through a deed which is not recorded in the county where the real property is located, or

(2) any person claiming under or through a deceased defendant or terre-tenant whose will has not been filed with, or letters of administration on whose estate have not been issued by, the register of wills or orphans' court of such county.

(c) Any person claiming under or through a deceased defendant or terre-tenant who was not a resident of the county at the time of death, may qualify as a terre-tenant under this rule by recording in the office of the recorder of deeds of the county where the real property is located, a certified copy of the will of the decedent, or, if the decedent died intestate, a declaration of interest accompanied by a certificate of the register of wills or probate court or officer of the county, state or country in which the decedent resided at the time of death that letters of administration have been issued in the estate of the decedent.

**Rule 3026.3. Revival of Lien of Judgment as to Property of Terre-Tenant.**

(a) Except as provided by subdivision (b), if an interest in real property bound by the lien of a judgment has been acquired by a terre-tenant, then the lien of the judgment on the property shall be revived only if the terre-tenant joins in an agreement to revive or is made a party to the writ of revival.

(b) If a writ of revival or an agreement to revive is indexed against the defendant at a time when a terre-tenant's deed or other evidence of title is of record, but without the joinder of the terre-tenant, the lien may be revived as to the terre-tenant within five years after the recording of the terre-tenant's deed or other evidence of title by (1) agreement between the plaintiff and the terre-tenant alone or between the plaintiff, defendant and

terre-tenant, or (2) by writ of revival issued against the terre-tenant alone, or against the defendant and terre-tenant jointly. The lien shall continue as to the terre-tenant for the same period as it continues against the defendant, when it must be revived against both parties.

**Official Note:** The mere recording of a terre-tenant's deed or other evidence of title is ineffective to revive a lien as to any part of the property acquired by a terre-tenant without specific revival by agreement or by writ.

For the effect of a judgment of revival against a terre-tenant, see Rule 3031.1(c).

**Rule 3027. Writ of Revival. Indexing. Lien.**

(a) Upon issuance of the writ of revival or the filing of an agreement for a judgment of revival, the prothonotary shall index it in the judgment index against each defendant and terre-tenant named therein.

(b) The writ **or agreement**, when indexed, shall be a lien [ **upon all** ] which shall bind real property [ **within** ] located in the county

(1) title to which at the time of indexing is [ **owned by the defendant** ] recorded in the name of the person against whom the original judgment [ **is entered.** ] was indexed, and

(2) which is subject to the lien of the original judgment or a revival thereof but title to which is recorded in the name of a terre-tenant.

**Official Note:** The lien attaches whether or not the real property was owned by the defendant at the time the judgment was indexed or previously revived and whether or not the lien of the judgment had been lost as to the property.

(c) The lien of a writ of revival **or an agreement of revival** shall continue for a period of five years from the date on which the writ **or agreement** was indexed.

**Rule 3028. Service of the Writ.**

[ **The writ shall be served in the manner provided by Rule 400 et seq. for service of original process. A return of no service shall be equivalent to personal service.** ]

**Official Note:** See Rule 400 et seq. governing service and return. ]

The writ shall be served within ninety days after its issuance by the sheriff or a competent adult who is not a party to the action

(1) by handing a copy in the manner provided by Rule 402,

(2) by mailing a copy in the manner provided by Rule 403, or

(3) if service cannot be made as provided by subparagraphs (1) and (2), then by publication in the manner prescribed by Rule 430(b).

**Note:** A special order of court under Rule 430(a) is not a prerequisite to service by publication under this rule.

**Rule 3029. Reissuance and Substitution of Writ.**

The writ may be reissued or substituted as in a civil action.

**Official Note:** See Rule [ 1010 ] 401(b) governing reissuance and substitution of a writ of summons.

**Rule 3031. Judgment upon default or admission. Assessment of damages.**

(a) The prothonotary, on praecipe of the plaintiff, shall enter judgment against a defendant or terre-tenant for failure within the required time to plead to the writ or for any relief admitted to be due by the defendant's or terre-tenant's pleading. The prothonotary shall assess damages as directed in the praecipe for judgment.

**Official Note: See the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520 requiring an affidavit setting forth facts showing that the defendant is not in military service as a prerequisite to the entry of a default judgment.**

(b) In all cases the court, on motion of a party, may enter an appropriate judgment against a party upon default or admission.

*(Editor's Note: The following is a new rule. It is printed in regular type to enhance readability.)*

**Rule 3031.1. Judgment of Revival. Duration of Lien.**

(a) Except as provided by subdivisions (b) and (c), the extent and duration of a lien of a judgment of revival shall be as provided by Rule 3021 governing the liens of judgments generally.

(b) If judgment entered on a writ of revival is not indexed within a period of five years after the issuance of the writ or if an order continuing the lien has not been entered as provided by Rule 3030(c), the lien shall continue only for a period of five years from the date on which the writ was indexed.

(c) If an interest in real property bound by the lien of a judgment has been acquired by a terre-tenant and a judgment of revival is entered against the terre-tenant, the revived judgment shall not be a personal judgment against the terre-tenant and shall not extend to any other property of the terre-tenant.

Rule 3032. Praecipe for Writ of Revival. **Form.**

**The praecipe for writ of revival shall be substantially in the following form:**

[Caption]

**PRAECIPE FOR WRIT OF REVIVAL**

To the Prothonotary:

Issue writ of revival of judgment entered [ to ] at \_\_\_\_\_ and  
(Court [ , Term, ] Number)

Index it in the judgment index against \_\_\_\_\_ and \_\_\_\_\_  
(Name of Defendant(s)) (Name of Terre-Tenant(s))

in the amount of \$ \_\_\_\_\_ with interest from \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Plaintiff

**Official Note:** For the definition of terre-tenant and the substantive effect of omission of a defendant, a joint defendant, or a terre-tenant, see [ the Judgment Lien Law of 1947, 12 P. S. 877 et seq. ] Rules 3026, 3026.1 and 3026.2.

Rule 3033. Writ of revival. **Form.**

**The writ of revival shall be substantially in the following form:**

[Caption]

**WRIT OF REVIVAL**

To \_\_\_\_\_ :  
(Name of Defendant(s) and Terre-tenant(s))

(1) You are notified that the plaintiff has commenced a proceeding to revive and continue the lien of the judgment entered [ to ] at \_\_\_\_\_ .  
(Court, [ Term, ] Number)

(2) The plaintiff claims that the amount due and unpaid is \$ \_\_\_\_\_ with interest from \_\_\_\_\_ .

(3) You are required within twenty (20) days after service of this writ to file an answer or otherwise plead to [ this writ ] it. If you fail to do so judgment of revival in the amount claimed by the plaintiff will be entered without a hearing and you may lose your property or other important rights.

**YOU SHOULD TAKE THIS WRIT OF REVIVAL TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:**

\_\_\_\_\_  
(Name of Office)

\_\_\_\_\_  
(Address of Office)

(Telephone Number)

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

(Name of Prothonotary (Clerk))

By \_\_\_\_\_  
(Deputy)

**Official Note:** For definition of terre-tenant, see [ **Sec. 3(d) of the Judgment Lien Law of 1947, 12 P. S. 879(d).** ] **Rule 3026.2.**

Rule 3034. Agreement to Revive. **Form.**

**The agreement to revive shall be substantially in the following form:**

[Caption]

**AGREEMENT TO REVIVE**

The undersigned hereby agree(s) that the judgment entered on \_\_\_\_\_ [ , 19\_\_\_\_ to ] at \_\_\_\_\_ **Date** be revived and the lien continued and authorize(s) \_\_\_\_\_ (Court, [ **Term,** ] Number) the prothonotary to enter and index a judgment of revival in the amount of \$ \_\_\_\_\_ plus costs.

Signed and dated [ **this** \_\_\_\_ day of \_\_\_\_\_ , 19\_\_\_\_ ]: \_\_\_\_\_.

\_\_\_\_\_  
(Defendants(s))

\_\_\_\_\_  
(Terre-Tenant(s))

**Official Note:** For the substantive effect of omission of a defendant, a joint defendant or a terre-tenant see [ **the Judgment Lien Law of 1947.** ] **Rules 3026, 3026.1 and 3026.2.**

**See Rule 3125.1(b) for additional requirements when there is an agreement to consolidate and revive two or more judgments against the same person.**

**Rule 3048. Acts of Assembly not suspended.**

The Rules governing the Revival of Judgment shall not be deemed to suspend or affect:

(1) [ **Section 1 of the Act approved April 22, 1909, P. L. 112, 12 P. S. 875.** ] **Section 9 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7143;**

**Official Note:** This Section provides for [ **consolidation and revival of separate judgments against the same person in one proceeding.** ] **revival of municipal claims for taxes, water rents or rates, lighting rates, power rates and sewer rates.**

(2) Section 15 of the Act approved May 16, 1923, P. L. 207, as [ **last** ] amended [ **June 7, 1961, P. L. 263** ], 53 P. S. § 7183 insofar as it authorizes revival of municipal claims by suggestion of nonpayment and averment of default [ . ];

(3) Section 1404 of the Fiscal Code of April 9, 1929, P. L. 343 as [ **last** ] amended [ **by Act No. 296 approved August 7, 1963** ], 72 P. S. § 1404 [ . ];

**Official Note:** This Section provides for revival of liens for State taxes by the filing of a suggestion of nonpayment and averment of default.

(4) [ **The Act approved September 26, 1951, P. L. 1505, as last amended May 3, 1956, P. L. (1955) 1528,**

**12 P. S. 885.** ] **Section 1404.1 of the Act of April 9, 1929, P. L. 343, No. 176, added by Section 5 of the Act of December 12, 1994, P. L. 1015, No. 138, 72 P. S. § 1404.1;**

**Official Note:** [ **This Act provides for revival of judgment in favor of the Commonwealth by filing and notice of suggestion of nonpayment.** ] **This section provides for the continuation without the necessity of revival of tax liens required to be filed by the Department of Revenue.**

(5) **Section 605 of the Act of October 28, 1966, Special Session No. 1, P. L. 55, known as the Goods and Services Installment Sales Act, added by Section 6 of the Act of March 25, 1982, P. L. 199, No. 68, 69 P. S. § 1605;**

**Official Note:** **This section requires that a proceeding for revival of a judgment entered by confession, which is subject to the Act, be commenced within one year from the lapse of the lien.**

(6) **Section 3382 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3382;**

**Official Note:** **Section 3382 provides for the joinder of the personal representative of a decedent as a defendant and for the continuation of the lien on a decedent's real estate.**

(7) **Section 5526(1) of the Judicial Code, 42 Pa.C.S. § 5526(1);**

**Official Note:** **This section requires that an action for revival of a judgment lien must be commenced within five years.**

(8) **And all other Acts or parts of Acts authorizing special procedures for the Revival of Judgments in favor of the Commonwealth or political subdivisions.**



**Rule 3049. Acts of Assembly suspended.****Rescinded.**

**Official Note: The statutory provisions governing revival of judgments suspended by Rule 3049 have been repealed.**

**Subchapter D. ENFORCEMENT OF MONEY  
JUDGMENTS**

**FOR THE PAYMENT OF MONEY**

**Rule 3104. Indexing. Lien of Writ of Execution.**

(a)(1) When **issuing the writ the prothonotary [ issues the writ he ]** shall, upon praecipe of the plaintiff, index it against the defendant in the judgment index. **The writ, when indexed, shall**

**(i) continue the lien upon real property which is then subject to the lien of the judgment, and**

**(ii) become a lien which shall bind real property acquired by the defendant subsequent to the entry of the judgment, located in the county, title to which is recorded in the name of the defendant at the time of indexing.**

**Official Note: As to the effect of indexing, [ see ] Rule 3104 continues the practice under the Judgment Lien Law of 1947, 12 P. S. § 883 (repealed). See also Section 4303 of the Judicial Code, 42 Pa.C.S. § 4303.**

**[ The provisions of the Allegheny County Court Act of May 5, 1911, P. L. 198, as amended providing that county court judgments shall not constitute liens on real property and providing for transfer to the common pleas remain unsuspending by these rules. ]**

**(2) A lien obtained or continued solely by the indexing of a writ of execution shall continue for a period of five years from the date the writ was indexed.**

**(3) If more than five years have expired since the entry of the judgment or of the last preceding judgment of revival, no execution may issue until a writ of revival shall have issued and been reduced to judgment. The execution shall issue on the judgment so entered and not on the original judgment.**

**(b) [ When a writ is received by the sheriff of another county, it shall be his duty to ] Upon receiving a writ from another county, the sheriff shall deliver it to the prothonotary of [ his ] the sheriff's county who shall thereupon index it and return it to the sheriff for execution. Such indexing shall have the same effect as the indexing of a judgment against the defendant. If the plaintiff so directs, the sheriff may levy or attach under the writ before [ he delivers ] deliver- ing it to the prothonotary for indexing.**

(c) When the writ directs attachment of real property of the defendant in the name of a garnishee, the prothonotary of the county in which the writ is to be executed, upon praecipe of the plaintiff so directing and describing the real property in that county, shall index the writ against the garnishee as a *lis pendens*. Indexing against the garnishee shall constitute a *lis pendens* against the described property only in the county where the writ is indexed and not against any other property of the garnishee.

**Explanatory Comment**

The Supreme Court of Pennsylvania promulgated Rules 3025 through 3049 in 1964 to provide the procedure in proceedings to revive and continue the lien of a judgment. The note to Rule 3025 advised the bench and bar: "For the substantive law governing the revival of judgment against defendants and *terre tenants* see the Judgment Lien Law of 1947, 12 P. S. 877 et seq."

The Judgment Lien Law was repealed by the Judiciary Act Repealer Act (JARA) in 1978 but no successor provisions were enacted as part of the Judicial Code or otherwise. A consequence of the repeal was that the 1947 Act disappeared from Purdon's Pennsylvania Statutes along with the rest of Title 12 relating to Judicial Procedures and Remedies. Unless the superseded volumes of former Title 12 were retained, the Judgment Lien Law became unavailable to the legal community. Yet, as no general rules had been promulgated to date to replace the repealed Act, the Judgment Lien Law continued as part of the common law of the Commonwealth under the fail-safe provision of JARA, 42 P. S. § 20003(b).

Recommendation No. 151 proposes to amend the rules of civil procedure to fill the void. The General Assembly in Section 1722(b)(1) of the Judicial Code, 42 Pa.C.S. § 1722(b)(1), has authorized the governing authority to prescribe and modify general rules governing:

(1) The effect of judgments and other orders of, and the right to and effect of attachments and other process issuing out of, a tribunal, and the manner of the enforcement of any thereof, including the time during which and the property with respect to which they shall be a lien, the relative priority of liens and other claims, stays of execution which may or shall be granted, satisfaction of judgments and dissolution of attachments, and all other matters relating to judgments and other orders and attachments and other process which have been regulated heretofore by statute.

The recommendation does not propose a radical change in the law of judgment liens and revival of judgments. Rather, the purpose is to make the law accessible to the bench and bar, to integrate the substantive and procedural law of judgment liens and revival, and to state the law in clear terms.

*Terminology*

The present rules and the proposed rules use the terms "plaintiff" and "defendant". The plaintiff is the party in whose favor the judgment is entered and the defendant the party against whom the judgment is entered. It may be that a judgment has been entered in favor of the defendant on a counterclaim in which case the defendant will be the "plaintiff" under these rules and the plaintiff will be the "defendant." A note has been added to Rule 3025 to this effect.

*Liens*

A new rule defines the duty of the prothonotary with respect to the judgment index. Several present and proposed rules impose liens upon real property.

*Rule 227.5. Entry of Judgment in Judgment Index.*

Section 2737 of the Judicial Code in providing that the "office of the prothonotary shall have the power and duty to . . . [e]nter all civil judgments, including judgments by confession" gives scant direction to the prothonotary with respect to the judgment index compared with prior statutes such as the Act of 1827, 16 P. S. § 9871.<sup>1</sup> The new

rule is designed to complement the proposed amendments by setting forth, first, the duty of the prothonotary to index judgments and, second, the content of the entry in the index.

*Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award (Compulsory Arbitration).*

Rule 1307 is an existing rule governing compulsory arbitration which provides in subdivision (b) that the "award when entered in the judgment index shall be a lien upon the party's real estate, which shall continue during the pendency of an appeal or until extinguished according to law."

The amended rule clearly describes the nature of the lien and identifies the property to which the lien attaches. The rule provides that the effect of indexing an award in the judgment index is to create

a lien which shall bind the real property, located within the county, title to which is recorded in the name of the person against whom the award was entered.

The amended rule describes the life of the lien in the following language:

The lien shall continue for five years from the date on which the award was entered in the judgment index or until sooner discharged according to law, regardless of the pendency of an appeal

This language describing the lien reappears in almost identical form in the rules imposing liens on real property: Rules 3020, 3021, 3027 and 3104.

The proposed amendment also cross-refers to Rule 3030(c) governing extension of the lien when an appeal from an award is not concluded or the lien is not discharged within five years.

*Rule 3020. Verdict or Order. Indexing. Lien.*

New Rule 3020 is derived from the repealed Act of March 23, 1877, P. L. 34, § 1, 12 P. S. § 861.<sup>2</sup> The statute provided in part that "the verdict shall be a lien upon the real estate situate within the proper county of the party or parties against whom said verdict shall be rendered. . . ." In its formulation of the nature of the lien, subdivision (b)(2) of the new rule follows amended Rule 1307.

The rule refers to an "order" as well as a "verdict". The term "order" is broadly defined by the Section 102 of the Judicial Code to include a "judgment, decision, decree, sentence and adjudication."

*Rule 3021. Judgment. Lien. Duration.*

New Rule 3021 sets forth the lien of a judgment and its duration and replaces two prior statutes, Section 2 of the Judgment Lien Law of 1947, 12 P. S. § 878,<sup>3</sup> and Section 2 of the Act of 1877, 12 P. S. § 862.<sup>4</sup> Subdivision (a) states the general rule that a judgment "shall be a lien which shall bind real property, located in the county, title to which at the time of indexing is recorded in the name of the person against whom the judgment is indexed."

Subdivisions (b) and (c) state rules for two particular judgments. Subdivision (b) governs the lien of a judgment entered upon a verdict or order while Subdivision (c) governs the lien of a judgment entered upon an award in compulsory arbitration.

Subdivision (d) governs the duration of the lien and applies to the liens of all judgment under the rule.

*Rule 3027. Writ of Revival. Indexing. Lien.*

Rule 3027 was amended in 1994 to provide for the lien of a writ of revival. The proposed amendment conforms the language of the rule to that of the other rules imposing a lien on real property and adds a provision making explicit the application of the lien to property owned by a terre-tenant.

*Rule 3104. Indexing. Lien of Writ of Execution.*

Rule 3104 providing for the indexing of a writ of execution is an existing rule found in the chapter governing enforcement of judgments for the payment of money. The amendment to Rule 3104 is intended to incorporate without substantial change Section 7 of the Judgment Lien Law, 12 P. S. § 883,<sup>5</sup> relating to the property subject to execution, the lien of execution and the duration of the lien.

*Revival of Judgments*

The rules governing revival of judgments are revised generally to be gender neutral and to delete obsolete references.

The following proposed new rules incorporate provisions of the Judgment Lien Law.

*Rule 3025.1. Consolidation of Judgments.*

Subdivision (a) of this new rule governing consolidation of judgments provides for consolidation by writ of revival and is derived from the Judgment Lien Law of 1947, 12 P. S. § 875.<sup>6</sup> Subdivision (b) adds the option of consolidating judgments by agreement.

*Rule 3026.1. Parties. Joint Defendants.*

New Rule 3026.1 relating to joint defendants incorporates the substance of Section 3 of the Judgment Lien Law, 12 P. S. § 879(b).<sup>7</sup>

*Rule 3026.2. Parties. Joint Defendants.*

*Rule 3026.3. Revival of Lien of Judgment as to Property of Terre-Tenant.*

New Rule 3026.2 provides a definition of the term "terre-tenant." Subdivision (a) is derived from Eberhart's Appeal, 39 Pa. 509, 512 (1861): "A terre-tenant is one in whom the title to the encumbered estate has vested."

Rule 3026.2(b) and (c) limiting the term "terre-tenant" incorporate a corresponding provision of the Judgment Lien Law, 12 P. S. § 879(d).<sup>8</sup>

A portion of Section 3 of the 1947 Act, 12 P. S. § 879(a),<sup>9</sup> sets forth the manner of revival against the property of a terre-tenant. New Rule 3026.3 incorporates the substance of that provision, dividing it into two subdivisions and a note.

*Rule 3031.1. Judgment of Revival. Duration of Lien.*

Rule 3031.1 governs the judgment of revival and its lien. Subdivisions (a) and (b) of Rule 3031.1 replace the first sentence of section 3(c) of the Judgment Lien Law of 1947, 12 P. S. § 879(c).<sup>10</sup> Subdivision (a) cross-refers to Rule 3021 for the extent and duration of the lien.

The second sentence<sup>11</sup> of subdivision (c) of the statute relating to extension of the lien was incorporated in 1994 into Rule 3030 as subdivision (c). Subdivision (b) of proposed Rule 3031.1 cross-refers to this provision.

Subdivision (c) of the proposed rule has no statutory antecedent and is a clarification of the extent of the judgment of revival against a terre-tenant.

The following amendments to existing rules go beyond matters of gender or style:

*Rule 3027. Writ of Revival. Indexing. Lien.*

Rule 3027 governing the indexing and lien of a writ of revival was amended in 1994 to incorporate the substance of Section 4 of the Judgment Lien Law, 12 P. S. § 880.<sup>12</sup> The present recommendation proposes to revise subdivisions (b) and (c) to refer to an agreement to revive in addition to the writ of revival.

*Rule 3028. Service of the writ.*

The present rule that a "return of no service shall be equivalent to personal service" is derived from at least two repealed statutory sources: Section 6 of the Judgment Lien Law, 12 P. S. § 882, and 12 P. S. § 295. Under the former<sup>13</sup>, the prothonotary was authorized to enter judgment of revival upon praecipe following a return of nihil habet. The latter provided that "a return of nihil habet shall be equivalent to personal service, in writs of scire facias to revive judgments entered in personal actions."

The proposed revision places a greater emphasis upon serving the writ of revival and provides procedures beyond those normally available for service or original process. Service may be made by the sheriff or a competent adult. The manner of service may be by handing a copy as provided by Rule 402 or mailing a copy as provided by Rule 403. If service cannot be made by handing or mailing a copy, then the rule provides a right of service by publication under Rule 430 without the necessity of obtaining a court order.

*Rule 3031. Judgment upon default or admission. Assessment of damages.*

The restyling of the title and the addition of a note are the only changes proposed to this rule governing judgment upon default or admission. The note which refers to the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520, replaces Section 5 of the Judgment Lien Law of 1947, 12 P. S. § 881, relating to revival of a lien against a person in the armed forces.

*Rules 3032, 3033 and 3034. Forms.*

The revisions to the rules governing forms are directed primarily to matters of style and updating obsolete references. The only revision of substance is the addition to the form of writ of revival of a notice based upon the Notice to Defend of Rule 1018.1.

*Rules 3048 and 3049. Acts of Assembly.*

Rule 3048 governing Acts of Assembly Not Suspended has been revised to take cognizance of statutes which have been repealed as well as statutes enacted subsequent to the original promulgation of the rule. No change in practice is intended as the result of the revision of this rule.

Rule 3049 governing Acts of Assembly Suspended is rescinded as all of the statutes suspended by the rule have been repealed.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

**Derivation Table**

Rule	Purdon's
<b>Business of the Courts</b>	
227.5	16 P. S. § 9871 17 P. S. § 1922

**Rule Purdon's**

**Compulsory Arbitration**

1307 —

**Liens**

3020 12 P. S. § 861  
3021 12 P. S. §§ 862, 878

**Revival Of Judgments**

3025 —  
3025.1 12 P. S. § 875  
3026 —  
3026.1 12 P. S. § 879(b)  
3026.2 12 P. S. § 879(d)  
3026.3 12 P. S. § 879(a)  
3027 12 P. S. § 880  
3028 12 P. S. §§ 295, 313, 882  
3029 —  
3030(c) 12 P. S. § 879(c)  
3031 12 P. S. § 881  
3031.1(a) 12 P. S. § 879(c)  
3032 —  
3033 —  
3034 —  
3048 —  
3049 —

**Enforcement of Judgments**

3104 12 P. S. § 883

**Disposition Table**

12 P. S. §	Rule
295	3028
313	3028
861	3020
862	3021
878	3021
879(a)	3026.3
879(b)	3026.1
879(c)	3030(c), 3031.1(a)
879(d)	3026.2
880	3027
881	3031
882	3028
883	3104

16 P. S. §	Rule
9871	227.5

17 P. S. §	Rule
1922	227.5

**Endnotes**

<sup>1</sup> § 9871. Judgment docket; contents; fee for entries

It shall be the duty of each of the prothonotaries of the several courts of common pleas district courts and circuit courts in this commonwealth, to make, prepare and keep a docket, to be called the judgment docket, in which said docket no case shall be entered until after there shall have been a judgment or award of arbitrators in such case, and into which shall be copied the entry of every judgment and every award of arbitrators, immediately

after the same shall have been entered; which entries, so to be made in the said judgment docket, shall be so made that one shall follow the other in the order of time in which the said judgments and awards shall have been rendered, entered or filed, as aforesaid; and the entries in each case in said judgment docket shall particularly state and set forth the names of the parties, the term and number of the case, and the date, and in the case of the judgment shall be for a sum certain, the amount of the judgment or award; and when any judgment shall be revived by scire facias or otherwise, or when any execution shall issue in any case, a note thereof shall be made in the proper judgment docket, at the place where the other entries in such case may have been made. . .

<sup>2</sup> § 861. Lien of verdict

Whenever a verdict is rendered by a jury in any of the courts of common pleas of this commonwealth for any specific sum of money, in such case the verdict shall be a lien upon the real estate situate within the proper county of the party or parties against whom said verdict shall be rendered, which lien shall remain unless the court grant a new trial or arrest the judgment; and it shall be the duty of the prothonotary of the court of common pleas to enter such verdict on the lien docket where judgments are entered, marking the same "verdict," and specifying the amount of said verdict and the date of its rendition.

<sup>3</sup> § 878. Property subject to lien; duration of lien

Every judgment now or hereafter entered of record and indexed in any court of record in this Commonwealth shall be a lien upon all real property within the county where the judgment is entered, which at the time of the entry and indexing of the judgment is owned by the person against whom the judgment is entered, and shall, unless sooner discharged as provided by law, continue as a lien as to the defendant and all other persons for a period of five years from the date on which the judgment was entered, and no longer, unless the same is revived as hereinafter provided.

<sup>4</sup> § 862. Lien of judgment to refer to date of verdict

In case the court shall overrule any motion for a new trial or in arrest of judgment, now pending, the lien of the verdict in such case shall date from the time of its rendition: Provided however, That no innocent purchaser without notice shall be prejudiced thereby.

<sup>5</sup> § 883. Property subject to execution; lien of execution; execution after five years

(a) The holder of any judgment may, within five years after the entry thereof or after the entry of any judgment of revival thereon, have execution in the manner provided by law on such original judgment or on such judgment of revival, as the case may be, against any real property bound by the lien of the judgment, whether or not any interest therein has been acquired by a terre-tenant and against any real property acquired by the defendant subsequent to the entry of the original judgment or of the judgment of revival, as the case may be, and owned by him at the time of the indexing of the execution. In the case of after-acquired property, the execution, when docketed and indexed, shall become a lien upon such real property. In the case of real property which is then subject to the lien of the judgment, the execution, when docketed and indexed, shall continue such lien beyond the time it would otherwise have expired. Any lien obtained or continued solely as the result of the docketing and indexing of an execution shall continue only for a period of five years from the indexing of the execution.

(b) In all cases where more than five years have expired since the entry of the judgment, or the entry of the last preceding judgment of revival, as the case may be, no execution upon any real property may issue until a writ of scire facias shall have issued and been reduced to judgment, and the execution shall issue on the judgment so entered and not on the original judgment.

<sup>6</sup> § 875. Consolidation of judgments by scire facias

Whenever hereafter any person or persons shall be the owner or owners of two or more judgments, all recovered against the same person or persons, which are overdue, or may become due at the same time, it shall be lawful for the owner or owners of said judgments, at their option, to combine and consolidate the same by the issue of a single writ or [sic] scire facias; and the new judgment, when entered, shall include the amounts due on all the old judgments.

<sup>7</sup> § 879. Manner of reviving lien; duration of revived lien

\* \* \*

(b) In the case of two or more joint defendants, no revival shall be effective against any of such defendants, or their real property, whether or not owned jointly with the other joint defendants, or any of them, unless all such joint defendants shall join in the agreement, or shall be made parties to the scire facias proceedings: Provided, That if any number less than all of the joint defendants shall agree to be bound the revival shall be effective against all of the defendants so agreeing.

\* \* \*

<sup>8</sup> § 879. Manner of reviving lien; duration of revived lien

\* \* \*

(d) As used in this act, the term "terre-tenant" shall not include any person claiming under or whose claim of title passes through a deed which is not recorded in the county where the real property is located, or any person claiming under or through a deceased defendant or terre-tenant whose will has not been filed with, or letters of administration on whose estate have not been issued by, the register of wills or orphans' court of such county: Provided, That any person claiming under or through a deceased defendant or terre-tenant who was not a resident of the county at the time of his death, may qualify as a terre-tenant under the provisions of this act by recording in the office of the recorder of deeds of the county, where the real property is located, a certified copy of the will of such decedent if he died testate, or if he died intestate, a declaration of interest accompanied by a certificate of the register of wills or probate court or officer of the county, state or country in which the decedent resided at the time of his death that letters of administration have been issued in the estate of such decedent.

<sup>9</sup> § 879. Manner of reviving lien; duration of revived lien

(a) \* \* \*: Provided, further, That if revival shall have been had against the defendant at a time when a terre-tenant's deed is of record, but without the joinder of the terre-tenant, then, within a period of five years after the recording of the terre-tenant's deed or other evidence of title, the lien may be revived as to the terre-tenant by (1) agreement between the plaintiff and the terre-tenant alone or between the plaintiff, defendant and terre-tenant, or (2) by writ of scire facias issued against the

terre-tenant without joining the defendant, or against the defendant and terre-tenant, jointly, entered in, or issued out of, and indexed in the court in which the judgment was entered within such period of five years after the recording of the terre-tenant's deed or other evidence of title, and in such event the lien shall continue as to the terre-tenant for the same period only as it continues against the defendant, when it must be revived against both parties as hereinbefore provided. This proviso shall not be so construed as to revive any lien as to any part of the property acquired by a terre-tenant by the mere recording of a terre-tenant's deed or other evidence of title without specific revival by agreement or scire facias as above provided.

\* \* \*

<sup>10</sup> § 879. Manner of reviving lien; duration of revived lien

\* \* \*

(c) The revived lien of any judgment shall, unless sooner discharged as provided by law, continue for a period of five years from the date on which the judgment of revival, whether entered by agreement or on writ of scire facias, was indexed, provided such judgment of revival, if entered on a writ of scire facias, was indexed within a period of five years after the issuance of such writ, otherwise such lien shall continue only for a period of five years from the date on which the writ of scire facias to revive was indexed, and in either case no longer unless the same is again revived as provided in this act.

\* \* \*

\* \* \*

<sup>11</sup> § 879. Manner of reviving lien; duration of revived lien

\* \* \*

(c) \* \* \* In any case where, by reason of pending litigation, judgment cannot be entered on the writ of scire facias within a period of five years after the indexing of such writ, the court, before which such litigation is

pending, may enter an order continuing the lien of such writ for such further period, not exceeding five years, as the court may direct, such order shall become effective when indexed.

\* \* \*

<sup>12</sup> § 880. Scire facias as lien

A writ of scire facias issued to revive a judgment at any time either before or after the expiration of five years after the indexing thereof, or before or after five years after the indexing of the last preceding judgment of revival thereof, shall, when indexed in the judgment index, be a lien upon all real property within the county which at the time of the indexing thereof is owned by the defendant against whom the original judgment is entered, whether or not such real property was owned by him at the time the judgment was indexed or previously revived. All liens against after-acquired property, or against property as to which the lien of the original judgment has been lost, shall be effective as of the date when the writ of scire facias was indexed, and shall, unless sooner discharged as provided by law, continue as a lien for a period of five years from the date of the indexing of the judgment of revival thereon, and no longer, unless the same is revised as provided in this act.

<sup>13</sup> § 882. Service of scire facias; judgment on return of nihil habet

\* \* \* On return being made by the sheriff showing service on all such persons found in the county, and a return of nihil habet as to all those not so found, the prothonotary shall, at any time after the end of the period during which the writ runs, upon praecipe, enter and index judgment of revival of any such judgment during another period of five years against the real estate bound by the judgment, unless sufficient cause is shown to prevent the same.

[Pa.B. Doc. No. 98-1904. Filed for public inspection November 20, 1998, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 3 AND 5]

[L-980133]

### Motor Carrier Property Applications

The Pennsylvania Public Utility Commission (Commission) on August 13, 1998, adopted a final rulemaking to discontinue publication of property carrier applications. Given the Commission's limited regulatory role of safety and insurance issues, it no longer serves a useful purpose to require publication of property carrier applications. The contact person is John Herzog, Assistant Counsel, Legal Division, Bureau of Transportation and Safety, (717) 783-3714.

#### Executive Summary

The Federal Aviation Authorization Act of 1994 preempted state regulation of motor carriers of property in the areas of rates, routes and service. 49 U.S.C.A. §§ 14501(c), 41713(b). Currently, the Commission's regulatory oversight of property carriers is limited to safety and insurance issues. In light of the Federal preemption, the Commission modified its regulations to reflect its changed regulatory role. See Regulation of Motor Carriers of Property, Doc. No. L-00950106.

Historically, property carrier applications have been published in the *Pennsylvania Bulletin* to afford existing carriers the opportunity to protest new entrants into the market. Since the Commission no longer regulates the rates, routes and service of property carriers, the rationale for requiring publication of applications no longer exists. Further, the protest mechanism is a vestigial process left over from the bygone era of economic regulation and should likewise be eliminated.

The proposed amendments were published in the May 9, 1998, edition of the *Pennsylvania Bulletin*, 28 Pa.B. 2143. No comments were filed.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5a) on April 28, 1998, the Commission submitted a copy of the final rulemaking, which was published as a proposed rulemaking at 28 Pa.B. 2143 (May 9, 1998) with a 30-day comment period and served to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs on October 13, 1998, and approved by the Senate Committee on Consumer Protection and Professional Licensure on September 29, 1998, and were approved by IRRC on October 22, 1998, in accordance with section 5(c) of the Regulatory Review Act.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell

Public Meeting held  
August 13, 1998

### Order

#### By the Commission:

By Order entered March 3, 1998, the Commission initiated a proposed rulemaking to amend its regulations governing publication and protest of applications for motor carrier property authority. Specifically, the Commission proposed eliminating both the publication and protest processes for applications for motor property carrier authority.

On April 6, 1998, the Office of Attorney General issued its approval of the proposed amendments as to form and legality. On April 28, 1998, copies of the proposed amendments were delivered for review and comment to the designated standing committees of both Houses of the General Assembly and IRRC. The proposed rulemaking was published in the May 9, 1998 edition of the *Pennsylvania Bulletin*, 28 Pa.B. 2143. No comments to the proposed regulations were filed.

The catalyst for the Commission's proposal to eliminate the publication and protest processes was its changed regulatory role mandated by the Federal Aviation Authorization Act, which inter alia, amended the Interstate Commerce Act at 49 U.S.C.A. §§ 14501(c) and 41713(b). In effect, the Aviation Act preempted state regulation of rates, routes or service of property carriers. However, states do maintain oversight of safety and financial responsibility for property carriers.

In response to the Aviation Act, the Commission promulgated regulations consistent with its changed regulatory role. Docket No. L-00950106. Those regulations provided, in part, for the continuing publication of property carrier applications. Further, the regulations provided that protests to property applications on the basis of safety/fitness could be filed within 10 days of the date of publication of the application in the *Pennsylvania Bulletin*.

Since passage of the Aviation Act and up to the time of the initiation of this rulemaking, there were approximately 2,214 new applications filed with the Commission for property carrier authority. Only one protest was filed, which was dismissed because it failed to address safety issues.

Given the Commission's limited regulatory role over property carriers, we conclude that it no longer serves a useful public purpose to require publication of property carrier applications. As noted, the Commission's oversight of property carriers is limited to safety and insurance issues. No property carrier application has been protested on these issues since passage of the Aviation Act. Further, since passage of the Aviation Act, the Commission has instituted a Safety Fitness Review program for new carriers and a Safety Audit program for existing carriers. We believe that these programs effectively carry out the Commission's charge to ensure that property carriers provide safe service in this Commonwealth.

In light of the foregoing, we will delete the publication requirement for motor carrier property applications. Further, we will eliminate the protest process for property

carrier applicants. As noted, no protests on the basis of safety/insurance have been filed to property carrier applications since passage of the Aviation Act. We believe the protest mechanism is a vestigial process left over from the bygone era of economic regulation. Currently, the protest process serves no useful purpose. Safety and insurance concerns are adequately addressed through the application process and the safety fitness review. We believe that deletion of the protest process in conjunction with the publication requirement eliminates an unnecessary step in the application process.

Accordingly, under section 501 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 501, the Commonwealth Documents Law (45 P. S. § 1201 et seq.) and 45 Pa.C.S. § 702(3), we hereby amend the regulations in 52 Pa. Code, as discussed previously and as set forth at 28 Pa.B. 2143; *Therefore,*

*It Is Ordered:*

1. The regulations of the Commission, 52 Pa. Code Chapters 3 and 5, are amended by amending §§ 3.381 and 5.51 to read as set forth at 28 Pa.B. 2143.

2. The Secretary shall submit a copy of this order, together with 28 Pa.B. 2143 to the Office of Attorney General for approval as to form and legality.

3. The Secretary shall submit a copy of this order, together with 28 Pa.B. 2143, to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit a copy of this order, together with 28 Pa.B. 2143, for formal review by the designated standing committees of both Houses of the General Assembly and by IRRC.

5. The Secretary shall deposit this order and 28 Pa.B. 2143 with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. This regulation shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 5636 (November 7, 1998).)*

**Fiscal Note:** Fiscal Note 57-196 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-1905. Filed for public inspection November 20, 1998, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**[52 PA. CODE CH. 57]**

[L-970121]

**Ensuring Customer Consent to a Change of Electric Supplier (Antislamming)**

The Pennsylvania Public Utility Commission (Commission) on May 31, 1998, adopted a final rulemaking to establish regulations ensuring that an electric distribution company does not change a customer's electricity supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier. The contact persons are

Joseph Farley, Bureau of Consumer Services, (717) 787-5755 and Terrence J. Buda, Law Bureau, (717) 787-5755.

*Executive Summary*

On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (act). The act revised the Public Utility Code, 66 Pa.C.S. § 101 et seq., by inter alia, adding Chapter 28, relating to restructuring of the electric utility industry. The purpose of the law is to permit customers to buy electric generation from their choice of electricity generation suppliers.

Section 2807(d)(1) of the act requires the establishment of regulations ensuring that an electric distribution company does not change a customer's electricity supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier. The purpose of the regulations is to implement and codify this provision of the act.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 30, 1997, the Commission submitted a copy of the final rulemaking, which was published as proposed at 27 Pa.B. 5270 (October 11, 1997) with a 30-day comment period and served to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs October 13, 1998, and approved by the Senate Committee on Consumer Protection and Professional Licensure September 29, 1998, and were approved by IRRC on October 22, 1998, in accordance with section 5(c) of the Regulatory Review Act.

*Commissioners Present:* John M. Quain, Chairperson, Joint Statement of Chairperson and Commissioners follows; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka, Statement follows; Nora Mead Brownell

Public Meeting held  
May 21, 1998

**Revised Final Rulemaking Order**

*By the Commission:*

*Introduction*

At public meeting of April 24, 1997, the Commission issued an order adopting and directing publication of proposed regulations to ensure that customer consent is obtained prior to the change of a customer's Electric Generation Supplier (EGS). The proposed regulations were published at 27 Pa.B. 5271 (October 11, 1997) and a 30-day comment period set.

We received comments from the Pennsylvania Electric Association (PEA) on behalf of its member companies, from the Office of the Consumer Advocate (OCA), from the Enron Corporation (Enron), from PECO Energy (PECO), from GPU Energy (GPU), from PP&L, Inc.

(PP&L), from UGI Utilities (UGI), from the Pennsylvania Gas Association (PGA), and from IRRC. After reviewing these comments and making appropriate revisions, we issued a Final Rulemaking Order on February 27, 1998.

On April 3, 1998, PEA filed a Petition for Rescission and Amendment under section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), and § 5.572 (relating to petitions for relief following a final decision). According to section 703(g), “[t]he commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it.” Section 5.572(b) and (e) require that the petition be served on each participant in the proceeding and that answers be filed and served within 10 days after service, respectively. Answers to the PEA petition were filed by the OCA, Enron, Conectiv Energy, New Energy Ventures, and Green Mountain Energy Resources, L.L.C.<sup>1</sup>

#### *PEA Petition*

In support of its petition, PEA asserts that the final-form regulations will involve significant operational and customer services problems that will effectively make switching an EGS difficult for EGSs, electric distribution companies (EDCs) and customers. According to PEA, regulations contained in the Final Rulemaking Order do not reflect the best practices and experiences learned from the Pennsylvania pilot programs. PEA explained that EDCs made ongoing changes to their systems, processes and procedures based upon their experiences in implementing the pilots, in combination with input from customers, EGSs and Commission staff.<sup>2</sup> PEA acknowledges that the following streamlined procedures utilized in the pilots are now in place:

1. The EDC accepts the customer’s request for a new supplier, but indicates to the customer that the EDC must receive confirmation back from the new supplier either accepting or rejecting the request for service;

2. The EDC notifies the customer’s existing EGS by an electronic data transfer of the customer’s request to change suppliers; and

3. The EDC notifies the new EGS via electronic data transfer of the customer’s request to initiate service. PEA explains further that the EGS must confirm the acceptance or rejection of the customers’ request with the EDC by means of electronic transfer and the EGS will send all information needed, if a change is made, to the EDC by electronic transfer. PEA maintains that the electronic transfer represents a permanent record of the date and time the transaction was sent, as well as the information included in the transaction which enables both EDCs and EGSs to retain accurate records regarding a customer’s change in supplier without the need for a paper record and, finally, is easily available to the Commission in the event a customer’s selection is lost or delayed. Finally, PEA submits that the confirmation letter sent to the customer ensures that the customer is aware of the change and provides an opportunity to correct any errors.<sup>3</sup>

Based on the member companies’ experiences gained in the pilot programs, PEA submits that the most efficient method for a customer to select a supplier is for the

customer to contact the EGS directly. PEA contends that the EDC should not be required to set-up or participate in a three-way call, as provided for in § 57.173 of the final-form regulations. PEA submits that EGSs must be allowed to process a customer request for a change of supplier. PEA explains the process as follows:

When the customer contacts an EGS, the EGS gathers the information that the EDC will need to process the change in supplier, including the customer’s name, service address, account number, the tariff or rate schedule of the new supplier under which the customer will be served, the contract date between the customer and new EGS, the customer’s preferred billing option, and any sales tax exemption to which the customer is entitled. Within 5 days, the new EGS provides this information to the EDC via electronic data transfer. The EDC then sends a confirmation letter to the customer as early as the next business day after receiving the electronic data transfer transaction, but no later than 15 days prior to the next meter read date at which time the new suppliers’ energy is scheduled to flow. The customer has 10 days to notify the EDC in the event the customer’s selection of the new supplier is incorrect, or in any way in error.

(PEA petition, pages 7-8). Although not specifically identifying the period, “15 days prior to the next meter read,” to send the confirmation letter as a departure from the “next business day” requirement in the final-form regulations at § 57.172, PEA is essentially requesting a substantial increase in this window to send out the letter.

Next, PEA objects to the requirement in § 57.173(1) which mandates that “the EDC must answer 90% of these transferred calls within 60 seconds.” PEA first argues that the commenting parties did not have an opportunity to address this requirement and it would be inappropriate to unilaterally impose this requirement for the first time in a final rulemaking order. Secondly, PEA submits that the requirement is factually unsupported and, therefore, arbitrary and capricious. In fact, PEA asserts that the pilot programs have not provided any basis for concluding that telephone calls are not being answered in a timely manner. Lastly, PEA notes that EDCs are currently operating under a rate cap, and it would be inappropriate to require EDCs to incur additional costs.

PEA also finds fault with § 57.173(a)(3) which, *inter alia*, determines that when a written authorization is returned to the EGS, the EGS must furnish the EDC with a copy. Again, PEA emphasizes that this procedure is unnecessary since EGSs inform EDCs of their contact with a customer by electronic data transfer. Moreover, storing these documents imposes an undue burden on EDCs.

#### *Answers to the PEA Petition*

In answering the petition, the OCA agrees with many of the concerns raised by the PEA and certain aspects of the proposals presented in its petition. The OCA supports a procedure that focuses first on the customer’s contact with the supplier and, therefore, agrees with the approach of PEA that has the EDC referring customers to suppliers or obtaining confirmation from the supplier that the supplier and the customer have an agreement. Furthermore, the OCA recommends that the regulations reference the obligation of the supplier to issue the necessary disclosures consistent with other applicable regulations. While the OCA submits that the petition

<sup>1</sup> Conectiv Energy, New Energy Ventures and Green Mountain Energy Resources, L.L.C. did not file comments in this rulemaking, but generally support the petition filed by PEA.

<sup>2</sup> PEA maintains that all the occurrences of slamming during the pilots took place in the early stages when new systems and procedures were being tested. The term “slamming” is generally referred to as switching a service provider without customer consent.

<sup>3</sup> The confirmation letter is identified in § 57.173(a)(2) and acts as additional notification to the customer of the proposed change of electricity generation supplier.



proposes an acceptable method of transmitting data between EDCs and suppliers, the OCA notes that the electronic record is not proof of the customer's approval of the switch. The OCA supports requiring suppliers to obtain a customer's consent either in writing, by verification obtained from an independent third party, or by means of electronic verification.

Enron has expressed reservations over the PEA proposal. While supporting reliance on electronic orders and elimination of the need for signed authorization from the customer to either the EGS or EDC, Enron opposes PEA's proposal to extend the 10-day confirmation period to 15 days. Enron has additional concerns if the Commission requires a signed authorization from the customer to verify the change of supplier.<sup>4</sup> Under these circumstances, Enron submits that the teleconferencing requirement option set forth in the final-form regulations must be implemented along with Enron's recommendation that the EDC service representatives be available from 9 a.m. until 9 p.m., 7 days a week, as opposed to 8:30 a.m. to 6 p.m. during the week. Furthermore, Enron emphasizes that the Commission does have the authority to impose standards dictating the availability of EDC service representatives since the regulation may modify the proposed text as long as the final regulations "do not enlarge its original purpose." See 45 Pa.C.S. § 1202.

Enron proposes extending the availability of the EDC service representatives to accommodate residential customers when they are most likely to make a change. In addition, Enron argues that the confirmation period is too long thus inconveniencing the customer switching suppliers. Enron recommends reducing the period to 3 business days or 5 calendar days with the EDC being required to implement the switch at the next meter read.<sup>5</sup> Moreover, Enron prefers the elimination of all signed authorizations relying instead on electronic orders as proposed by PEA. Enron agrees that when a customer contacts the EDC to make a selection, the customer should either be referred to the EGS or the EDC should confirm the customer's selection with the EGS. However, Enron opposes the extension of the confirmation period from 10 days to 15 days.

Enron submits that section 2807(d)(1) does not require a signed authorization but only "written evidence." Based on its interpretation, Enron believes that an electronic order printed by the EGS can satisfy the "written evidence" requirement of the act. If a signed authorization is required, Enron objects to the authorization being submitted to the EDC based on confidentiality concerns.

#### *Standard for Rescission and Amendment*

Section 703(g) of the Public Utility Code gives us the authority to reconsider our orders under appropriate circumstances. 66 Pa.C.S. § 703(g). However, the standard for determining whether we should exercise that authority to grant a petition for reconsideration was articulated in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa.P.U.C. 553 (1982), wherein the Commission stated that:

A Petition for Reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part.

<sup>4</sup> Enron also requests an elimination of the requirement that a valid written authorization be for the "sole purpose" of confirming a customer switch so as to allow a signed contract to satisfy the written authorization requirement. See 52 Pa. Code § 57.176.

<sup>5</sup> Enron believes that the selection process must be simple, efficient, and timely since customers will want their selection implemented immediately.

In this regard, we agree with the court in the *Pennsylvania Railroad Company* case, wherein it was said that:

Parties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions, which were specifically considered and decided against them.

What we expect to see raised in such petitions are new and novel arguments, not previously heard or considerations which appear to have been overlooked or not addressed by the Commission.

*Id.* at p. 559. The arguments presented in PEA's petition satisfy this standard. In issuing the final rulemaking order, we did not thoroughly consider the ramifications of the practices and procedures implemented in the pilot programs, nor did we thoroughly consider the utilization of electronic data transfers to change suppliers.

#### *Analysis*

Section 2807(d)(1) of the Public Utility Code directs the Commission to ". . . establish regulations to ensure that an Electric Distribution Company does not change a customer's electricity supplier without direct oral confirmation from the customer of record or written evidence of the customer's consent to a change of supplier." We agree with Enron's interpretation of this provision of the act which supports the PEA petition. Section 2807(d)(1) of the Public Utility Code does not mandate the existence of a signed authorization to change a supplier and a printed electronic transfer order can satisfy the "written evidence" requirement of the act. In addition, we never intended that the proposed regulations implementing this statutory provision preclude the use of electronic data transfer as a means of communication between the EDC and the EGSs to process the customer request. Moreover, there is no requirement in the proposed regulations that the EDC maintain a paper record—the electronic transfer order can remain with the EGS.

In other words, each EGS will process all customer requests electronically, and inform the appropriate EDC in the same manner. In turn, the EDC will provide written confirmation to the customer, and will also confirm the customer's request with the appropriate EGS. Thereafter, power will flow from the selected EGS to the customer beginning with the next successive billing period. We hasten to add, however, that our adoption of this procedure is conditioned upon the EGS retaining the appropriate records, in an accessible manner, consistent with the proposed regulations in § 57.179. Furthermore, PEA requests an extension of the "next business day" requirement of § 57.173(a)(2) to allow sending the confirmation "no later than 15 days prior to the next meter read date" (PEA Petition, page 6). PEA has neglected to provide any support for this request to amend the regulation in this manner. Enron objects to this change and provides compelling support that extending the confirmation period may unreasonably delay a customer's selection. Finally, we further find that a 3-business day or 5-calendar day confirmation period, as proposed by Enron, is not an adequate period of time for customers to fully assess their change in supplier and recognize whether a slam has occurred.<sup>6</sup>

We conclude that the 10-day period for confirmation should stand. Any provision for additional order processing time after conclusion of the 10-day period is a matter specific to the information systems of the EDC and shall

<sup>6</sup> It should also be noted that the 10-day customer rescission period includes the period of time the letter is in the mail.

be disposed of on an individual case basis or through our standards for electronic data transfer and exchange.

PEA similarly proposes that the EDCs should not be required to set-up or participate in a three-way telephone conference call to confirm a customer's request for a change of EGS as the regulations require. It is the PEA's position that the customer can give the oral confirmation to the EGS. The EGS will then process the request through the EDC via an electronic transfer within 5 days. The confirmation letter is sent to the customer by the EDC as early as the next business day after receiving the electronic data transfer.

Upon further reflection, we shall modify our earlier rulemaking to eliminate the requirement that the EDC provide three-way conferencing to facilitate customer interactions with the customer's EGS. Such a requirement does appear too expensive and time consuming. Furthermore, it is a less effective manner to facilitate the interactions when compared to electronic data transfer. Moreover, elimination of this requirement has the corollary effect of removing the business standards associated with the three-way conferencing set forth in § 57.173, which has been removed in Annex A.

#### *Conclusion on PEA Petition*

Essentially, PEA argues that customers should be required to directly contact an EGS to initiate, terminate or change their supplier. Based upon the experience gathered in the pilot programs, as well as the conclusions reached in the Electronic Data Working Group, such a procedure appears reasonable and thus shall be adopted. In reaching this conclusion, we are particularly persuaded by PEA's argument that such a requirement will simplify data gathering, and draw clear lines of responsibility for the accuracy and processing of customer information.

Finally, we are compelled to emphasize that these regulations must and will be vigorously enforced to ensure the success of the customer choice program. The regulations will serve to minimize, if not eliminate, instances of "slamming." Should the violations occur, however, and be supported by substantial evidence in an on-the-record proceeding, we will not hesitate to render appropriate fines or revoke the license of the offending EGS. As a result, we encourage and expect all participants to faithfully adhere to both the spirit and letter of these regulations. The following is a section by section summary of the comments which were received and the changes that resulted, consistent with our disposition of the PEA petition.

#### *§ 57.171. Definitions.*

The PEA, PECO and the IRRC recommended that a definition section be incorporated into the regulations. In addition, IRRC recommended that the regulations define Electric Distribution Company and Electric Generation Supplier along with the acronyms "EDC" and "EGS." IRRC also urged that the terms or acronyms be used consistently throughout the regulation. In the interest of clarity, we agree and have included a definition provision. We also consistently use the defined terms or acronyms in the provisions throughout the regulations.

#### *§ 57.172. Customer Contacts with the EDC.*

This section appeared as § 57.171 in the proposed rulemaking. The PEA made several recommendations relating to the wording of this and other provisions. In those instances where the recommended wording changes reflect the statute or add clarity we have adopted the recommendations.

The PEA, PECO and GPU also recommended that we revise the requirement whereby customers would be asked to supply their Social Security numbers (SSNs). We have addressed this recommendation through the action we have taken on the PEA petition. The regulations will require customers to initiate their EGS selection with the chosen supplier. Therefore we have eliminated the requirement that customers supply their SSNs to the EDCs.

In Enron's view, we should also eliminate the requirement that the customer supply the EDC account number. Similar to the disposition of the SSN issue, this recommendation has been effectively addressed through the action taken on the PEA petition.

Regarding § 57.171(a)(2), many of the commentators noted that the term "confirmation package" should be changed to "confirmation letter." We agree and have incorporated the change into the regulations at § 57.173(a)(2). Additionally, IRRC recommended that we specify when the 10-day waiting period begins. We agree and have added a requirement that the letter be mailed by the end of the next business day following the EGS's notification to the EDC of the customer's EGS selection. The day the confirmation letter is sent is identified as the start of the 10-day period. This should also address Enron's concern that the EDCs will use this procedure to delay the selection process. Finally, we have specified certain customer-specific information the letter must contain.

Enron questions the need for the letter and recommends that if it is sent, it should come from the selected EGS. In our view, the letter is a necessary protection to ensure that no unauthorized switches occur. In addition, since it is the EDC who will make the switch, it is appropriate that the letter come from that entity. This does not prohibit the selected EGS from sending the customer appropriate information as well.

Enron and the OCA also find the 10-day waiting period to be excessive. Enron states that customers upset by a slam typically complain the day they become aware of the unauthorized switch. Enron provides no basis for this contention. We disagree, noting that the 10 days includes mailing and delivery time as well as providing sufficient opportunity for the customer to call the EDC, the EGS, or perhaps both.

Both Enron and the OCA noted their disagreement with our position regarding customer contacts with the EDC. In their view, the customer must initiate service with the EGS and it is the EGS who would supply either the verbal or written authorization to the EDC.

Enron also recommends that we change our position relative to what constitutes written verification of the customer's consent to a change of electricity supplier. It is Enron's view that written notice from the EGS should be considered a valid written authorization. Again, as a result of the action taken on the PEA petition the EGS is permitted to provide the written notice to the EDC via a data transfer.

PECO commented that in instances where the customer cannot provide the required information on the initial phone call, that providing written authorization should not be the only avenue available to the customer to initiate the change of EGS. Since the regulations now require the customer to initiate service with the selected EGS this is no longer an issue.

*§ 57.173. Customer Contacts with EGSs.*

IRRC pointed out that our proposed regulations dealt with customer contacts with EDCs and EGSs under one provision. It was recommended that in the interests of clarity, these contacts be addressed under separate provisions. These regulations reflect our agreement to adopt this recommendation.

IRRC noted that our proposed regulations failed to address the use of the various forms of electronic mail as valid written authorization. We have addressed this concern through our disposition of the PEA petition. The EGSs are now permitted to electronically notify the EDCs of customer supplier selections by data transfer. In this regard, PECO states that we have failed to address situations where the customer sends the written authorization directly to the EDC. These regulations make clear the requirement that customers must initiate service with the selected EGS.

Enron recommended that § 57.173 of our proposed regulations be modified to permit immediate teleconferencing with the customer, the EGS and the EDC, to process the customer's selection regardless of who initiates the contact. We have addressed this issue through our disposition of the PEA petition where we have eliminated any need for teleconferencing. The OCA opposes such a modification based on the abuses that have been documented in the telephone industry. The OCA position has been mooted by our disposition of the PEA petition which granted the request to exclude the teleconferencing requirement.

Finally, the commentators had different views as to when EDC representatives should be available to handle calls transferred from an EGS. PEA and its member companies support the view that the regulations should require availability during normal working hours. Enron recommends that the EDCs be available 24 hours a day. IRRC suggested that, in the interest of customer convenience while recognizing the potential demand on the EDC, the EDC employees be available until 6 or 7 p.m. Again, we have effectively addressed this issue through the disposition of the PEA petition by eliminating the need for teleconferencing.

*§ 57.174. EDC Requirement.*

Enron strongly recommended that the regulations include a provision requiring the EDC to complete an EGS switch within 36 hours of the customer's selection of the EGS. We agree that it is necessary to provide a standard to avoid delays in the switching process. However, we believe the 36-hour standard to be unreasonable and, in fact, due to the 10-day waiting period required by these regulations, it is impossible. Instead, to be consistent with our electronic data transfer and exchange standards, we have required that the change occur at the beginning of the first feasible billing period following the 10-day waiting period.

*§ 57.175. Persons Authorized to Act on Behalf of a Customer.*

Many of the commentators noted that our proposed regulation allowing customers to identify persons authorized to act on their behalf did not limit the activity in which these persons could become involved to authorizing a change of EGS. In fact, only Enron disagreed that such a distinction was necessary. Since these regulations are intended to govern customer changes of EGSs, we agree that the limitation is necessary. We have modified the requirement accordingly.

PEA and its members also oppose allowing a customer to authorize more than one person to act on the customer's behalf. The basis of this opposition is that it will add needless administrative burden on the EDC and increase the possibility of customer confusion. We disagree and have allowed customers to authorize more than one person to act on the customer's behalf. In our opinion, only a small number of customers will use this provision, and an even smaller number submit multiple authorizations. However, we have pledged to revisit these regulations within the next 5 years. If at that time an EDC can demonstrate that the provision has proven burdensome, we will reconsider our decision.

Finally, PP&L recommends that we require EDCs to inform customers of their right to authorize others to act on their behalf in the confirmation letter. We have not adopted this recommendation. We believe that customers who need to avail themselves of this option will become aware of it should a problem arise when someone else attempts to make the switch without authorization or through consumer educational materials that will be produced as the customer choice process continues. Since the primary purpose of the confirmation letter is to act as a protection against the unauthorized switch of an EGS, we want to avoid including extraneous material that may draw attention away from the most important information.

*§ 57.176. Valid Written Authorization.*

Both PEA and PP&L pointed out that the phrase "but are not limited to" was present in the Commission's April 24, 1997, proposed rulemaking order but does not appear in the *Pennsylvania Bulletin* version. Both parties favored its inclusion. We agree and have made the necessary change.

Again, Enron argues that the requirement include more general agency agreements authorizing the supplier to exercise broader control over the customer's electric service arrangements. We disagree and believe the current provision is necessary to ensure that these regulations accomplish the goal of assuring that customer consent is obtained prior to a change of EGS.

*§ 57.177. Dispute Procedures.*

IRRC commented that this provision, which was originally titled "Customer Responsibility to Pay Bills," should be modified to read "Customer Dispute Procedures." We agree that a modification is needed and have changed the title to "Dispute Procedures" since the requirements pertain largely to the EDCs and the EGSs.

Of the commentators, only Enron and the OCA did not object to our proposed requirements. In fact, Enron felt that this requirement alone offered a strong and effective deterrent to slamming and "that in and of itself, this provision will eliminate systematic slamming." While we agree that the provision stands as a significant deterrent, we believe that other safeguards are necessary to reach the goal set by the act.

PEA and its members take the position that the requirement would result in many more instances of a "customer dispute" than are realistic and lead to a wasteful expenditure of resources. PEA argues that should the customer service representative of either an EDC or an EGS be successful in resolving a customer's concern in the context of the initial inquiry, the matter should not be considered a dispute. This position is consistent with the current Chapter 56. However, we believe, at least through the initial phase of customer choice, that the requirements we have set forth are

needed if the standard set forth in the act is to be attained. First, it is unlikely that service representatives will be able to satisfy customers on the initial call because an investigation involving a retrieval of records and contacts with a third party (the EDC or EGS) will be necessary.

Second, permitting an EDC to attempt to satisfy customer inquiries to avoid disputes creates the possibility of the EDC systematically showing favoritism to its affiliated supplier. This could occur because complaints against affiliates could be handled differently than those filed against nonaffiliates. That is, representatives could be instructed to "give away the store" during the initial contact to satisfy customers calling to complain about the affiliate. Thus, there would be few, if any, documented disputes filed against the affiliated supplier. On the other hand, these same service representatives could be instructed to treat complaints against nonaffiliated suppliers as disputes. We believe setting the standard that all slamming complaints be considered disputes to be both reasonable and necessary.

The PGA argues that the EDCs' duties are largely ministerial tasks necessary to affect a change of the EGS. The association argues that "before one burdens utilities with new requirements inspired by Chapter 56, one should remember that slamming arises out of dealings between suppliers and customers." This argument fails to convince us for two reasons. First, it is conceivable that the company responsible for a slam is an EDC. Second, the statute directs us to produce regulations to ensure that an EDC does not change an EGS without the customer's consent. We view the EDC involvement as more than simply ministerial tasks. Finally, while we are directing the EDCs and the EGSs to use the Chapter 56 dispute procedures to investigate and respond to slamming allegations, these regulations are inspired by the act, not by Chapter 56. We have chosen to use the Chapter 56 procedures because the EDCs have years of experience with these regulations that should prove to be beneficial in limiting the training needs of service representatives.

All the commentators except Enron and the OCA also object to the proposed provision granting the customer an EGS refund if a valid slamming complaint is filed within the first three billing periods, since the customer should reasonably have known of the change of EGS. The commentators base their objections on the notification protections already present in the regulations. In addition, a number of commentators state that the proposal may result in consumers playing the system to obtain refunds of the EGS portion of the bill. Based on these objections, we have reduced the 3 months to a 2-month time frame. We believe 2 months is reasonable based on our experience with pilot programs where delays in billing have occurred that could affect a customer's ability to recognize that a change of EGS has taken place. Even taking into consideration the notification requirements in these regulations, we believe it is reasonable to allow the customer to receive at least one bill in order to recognize that an unauthorized switch of the EGS has occurred. In terms of customer abuse, we note that refunds are only appropriate when the dispute investigation has established that an unauthorized switch has indeed occurred. Therefore, we fail to see how customers can play the system to obtain refunds.

We have adopted a PP&L recommendation that permits the Commission's Bureau of Consumer Services to adjudicate administrative charges as well as electricity supplier

ills. Based on an IRRC recommendation, we have also made it clear that refunds only pertain to generation charges.

IRRC recommended that we delete this provision based on four concerns. First, IRRC questions the Commission's statutory authority to implement and enforce the provision. IRRC views the refund provision as a penalty and notes that section 1928 of the Rules of Statutory Construction, 1 Pa.C.S. § 1928, requires the strict construction of the penal provisions. IRRC goes on to comment that nothing in the act permits the Commission to penalize a supplier by taking 3 months of revenue. Furthermore, it is IRRC's position that the Commission cannot impose such a penalty based on its general rulemaking authority.

We do not view the refund provision as a penalty. The provision is intended to provide relief to the adversely affected customer and make the customer whole. That is, the customer is being refunded the money paid or credited the amount owed for a service that was never requested. In addition, the Commission imposed a penalty for the unauthorized switch, it would be in the form of a fine under 66 Pa.C.S. § 3301.

Currently, under Chapter 56, the Commission routinely orders that refunds be given to customers in situations deemed appropriate. In the case of an unauthorized switch of an EGS, we believe the customer is due a refund for the unordered service so long as the customer's claim is filed promptly.

The second IRRC concern relates to the question as to whether the provision affords adequate due process to the supplier. We believe it does. Should a customer file the dispute with the EGS, it will be the EGS who conducts the initial investigation and makes the initial determination as to whether an unauthorized switch took place. Clearly, in this instance the EGS will have the opportunity to make its case. Should the complaint be filed with the EDC, we believe the EDC, in the course of investigating the complaint, will need to communicate with the EGS before rendering an initial determination. In these instances, should the EGS dispute the findings of the EDC, an appeal to the Commission's Bureau of Consumer Services is available. Should the EGS be dissatisfied with the informal decision rendered by the BCS, the matter can be formally appealed to the Commission. In our view, the provision does not violate the EGS's due process rights.

IRRC's third concern reflects that of the EDCs who view three billing periods as an unreasonably long period of time for the customer to register an unauthorized switch of EGS dispute. As stated previously, we have adjusted the time frame to 2 months. We believe this is reasonable because it is probable that the customer will have received at least one bill from the new EGS in this time frame. Finally, we have already addressed IRRC's fourth concern by making it clear that the refund provision only applies to the generation charges.

The OCA recommendations included adding a provision to § 57.175 that would explicitly state the Commission's intent to use its authority over EGSs who exhibit a pattern of violating these regulations. We agree and have modified our regulations accordingly. This modification also results in the acceptance of an IRRC recommendation to reference the Commission's authority to assess penalties.

*§ 57.178. Provider of Last Resort.*

PECO's comments included the recommendation that the regulations include a provision that addresses the

situation where a customer does not necessarily return voluntarily to the EDC in its role as the supplier of last resort. We agree and have added a provision stating that these regulations do not apply in these instances.

*§ 57.179. Record Maintenance.*

Several commentators including IRRC, PEA and UGI recommended that we revise this provision by lowering the record retention requirement from 4 to 2 years. Virtually every commentor cites Chapter 56 requirements as the basis of the recommendation. We agree that the 4-year period should be reduced and our regulations now call for a 3-year record retention period. The 3-year period is based on 66 Pa.C.S. § 3314 which sets 3 years as the time frame within which the Commission can assess penalties for violations of our regulations. If it becomes necessary to take the action against an EGS or an EDC, we believe it only prudent to be able to access all potential violations that may be part of the action.

*Reporting Requirements.*

After consideration of all the comments, we have deleted any reporting requirement. Since the record maintenance requirement allows us to access complete records should the need arise, we will not require that annual reports be filed with us. We have already pledged to revisit these regulations within the next 5 years. At that time, a determination can be made as to whether reporting requirements are necessary.

In finalizing these regulations we believe we have met the intent of the act. We have made it as easy as possible for customers who wish to change electric suppliers to do so. In addition, we have established the necessary protections to assure that customers do not have their electric supplier changed without their consent.

Accordingly, under 66 Pa.C.S. §§ 501 504—506, 1301 and 1501, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission proposes adoption of the revised final rulemaking order to establish regulations to ensure that customer consent is obtained prior to a change of electric suppliers, as noted and set forth in Annex A; *Therefore,*

*It Is Ordered that:*

1. The relief requested in the PEA Petition for Rescission and Amendment of the Rulemaking Order Establishing Standards For Changing a Customer's Electric Supplier is hereby granted in part and denied in part, consistent with the body of this order.

2. The Commission's February 27, 1998, Final Rulemaking Order is hereby revised to the extent we have granted relief requested in the PEA's Petition for Rescission and Amendment.

3. The regulations of the Commission, 52 Pa. Code Chapter 57, are amended by adding §§ 57.171—57.179 to read as set forth in Annex A.

4. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

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

6. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for formal review and approval by IRRC.

7. The Secretary shall deposit the original certified order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

8. A copy of this order and Annex A shall be served upon all persons who submitted comments in this rule-making proceeding.

9. The regulations adopted with this order are effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: The addition of §§ 57.178 and 57.179 was not included in the proposed rulemaking at 27 Pa.B. 5270.)*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 5636 (November 7, 1998).)*

**Fiscal Note:** Fiscal Note 57-184 remains valid for the final adoption of the subject regulations.

*Statement of Chairperson Quain, Vice Chairperson Bloom, Commissioner Hanger, Commissioner Rolka and Commissioner Brownell*

Today, we set in place the "rules of the road" by which customers' requests to switch electric generation suppliers will be processed. We have observed other industries in which unauthorized customer switching, known as "slamming," has occurred. We wish to state now, up front and for the record: this Commission will have zero tolerance for slamming by any means and in any form.

During the pilots, we learned from experience. Our procedures have been developed based on those experiences. The participants in the marketplace have also had the opportunity to participate in that process and develop systems in light of those experiences. Accordingly, there is no excuse, no reason why slamming should occur. Regardless, it will not be tolerated.

In the event slamming occurs, Commission action will be swift and hard. The Public Utility Code provides for penalties which include monetary penalties of up to \$1,000 per day, per violation, suspension of licenses and revocation of licenses. That authority permits this Commission to impose penalties of \$1,000 per day, per customer from the day the unauthorized switch occurred until the matter is corrected. We may also order suspension of licenses so as to prohibit marketing or acceptance of new customers for a period of time. And, as the ultimate penalty, this Commission has the authority to revoke a license and prohibit any sale of retail generation services in this Commonwealth.

Customer slamming is among the most serious violations of our rules and regulations. There is no grace period. There is no "transition period" as far as slamming is concerned. You can count on this Commission imposing commensurate penalties quickly and without hesitation.

*Statement of Commissioner David W. Rolka*

I wholeheartedly support the sentiment offered in the statement authored by Commissioner Brownell. Additionally, in deference to the modifications offered by the Chairman which simplifies the administrative responsibilities of the generation suppliers and distribution utilities, payment obligations for allegedly slammed service

should be presumed to be resolved in favor of the customer during any pending deliberations on the subject.<sup>1</sup>

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 57. ELECTRIC SERVICE**

**Subchapter M. STANDARDS FOR CHANGING A CUSTOMER'S ELECTRICITY GENERATION SUPPLIER**

**§ 57.171. Definitions.**

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

*Act*—The Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2812.

*Customer*—A purchaser of electric power in whose name a service account exists with either an EDC or an EGS. In addition, the term includes all persons authorized to act on a customer's behalf.

*EDC—Electric distribution company*—An electric distribution company as defined in section 2803 (relating to definitions).

*EGS—Electric generation supplier*—A supplier as defined in section 2803 of the act.

**§ 57.172. Customer contacts with the EDC.**

When a customer or a person authorized to act on the customer's behalf orally contacts the EDC to request a change of EGS, the EDC shall notify the customer that the selected EGS shall be contacted directly to initiate the change.

**§ 57.173. Customer contacts with EGSs.**

When a contact occurs between a customer or a person authorized to act on the customer's behalf and an EGS to request a change of the EGS, upon receiving direct oral confirmation or written authorization from the customer to change the EGS, the contacted EGS shall:

(1) Notify the EDC of the customer's EGS selection by the end of the next business day following the customer contact.

(2) Upon receipt of this notification, the EDC shall send the customer a confirmation letter noting the proposed change of EGS. This letter shall include notice of a 10-day waiting period in which the order may be canceled before the change of the EGS takes place. The notice shall include the date service with the new EGS will begin unless the customer contacts the EDC to cancel the change. The 10-day waiting period shall begin on the day the letter is mailed. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of an EGS.

**§ 57.174. Time frame requirement.**

When a customer or authorized party has provided the EGS with oral confirmation or written authorization to change EGSs, consistent with electric data transfer and exchange standards, the EDC shall make the change at the beginning of the first feasible billing period following

the 10-day waiting period, as prescribed in § 57.173 (a)(2) (relating to customer contacts with EGSs).

**§ 57.175. Persons authorized to act on behalf of a customer.**

A customer may identify persons authorized to make changes to the customer's account. To accomplish this, the customer shall provide the EDC with a signed document identifying by name those persons who have the authority to initiate a change of the customer's EGS.

**§ 57.176. Valid written authorization.**

A document signed by the customer of record whose sole purpose is to obtain the customer's consent to change EGSs shall be accepted as valid and result in the initiation of the customer's request. Documents not considered as valid include, but are not limited to, canceled checks, signed entries into contests and documents used to claim prizes won in contests.

**§ 57.177. Customer dispute procedures.**

(a) When a customer contacts an EDC or an EGS and alleges that the EGS has been changed without consent, the company contacted shall:

(1) Consider the matter a customer registered dispute.

(2) Investigate and respond to the dispute consistent with §§ 56.151 and 56.152 (relating to utility company dispute procedures).

(b) When the customer's dispute has been filed within the first two billing periods since the customer should reasonably have known of a change of the EGS and the dispute investigation establishes that the change occurred without the customer's consent, the customer is not responsible for EGS bills rendered during that period. If the customer has made payments during this period, the company responsible for initiating the change of supplier shall issue a complete refund within 30 days of the close of the dispute. The refund or credit provision applies only to the generation charges.

(c) A customer who has had an EGS changed without having consented to that change shall be switched back to the original EGS for no additional fee. Any charges involved in the switch back to the prior EGS are the responsibility of the company that initiated the change without the customer's consent.

(d) If a customer files an informal complaint with the Commission alleging that the customer's EGS was changed without the customer's consent, the Bureau of Consumer Services will issue an informal decision that includes a determination of customer liability for any EGS bills or administrative charges that might otherwise apply, rendered since the change of the EGS.

(e) In addition to customer-specific remedies, the Commission may, after investigation and decision, assess fines under 66 Pa.C.S. Chapter 33 (relating to violations and penalties) and initiate proceedings to revoke the license of an EGS that demonstrates a pattern of violating this subchapter. The Commission may order a particular EGS that has a pattern of violating this subchapter to obtain written authorization from every new customer as a condition of providing service in this Commonwealth. Nothing in this subchapter is intended to limit the Commission's authority.

**§ 57.178. Provider of last resort.**

This subchapter does not apply when the customer's service is discontinued by the EGS and subsequently

<sup>1</sup> The Chairperson's motion directs that suppliers are to be contacted directly to initiate, terminate or change suppliers and that those changes be communicated electronically to the distribution utility.

provided by the provider of last resort because no other EGS is willing to provide service to the customer.

**§ 57.179. Record maintenance.**

Each EDC and each EGS shall preserve all records relating to unauthorized change of EGS disputes for 3

years from the date the customers filed the dispute. These records shall be made available to the Commission or its staff upon request.

[Pa.B. Doc. No. 98-1906. Filed for public inspection November 20, 1998, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 75]

### Additional Extension of Public Comment Period

On August 1, 1998, the Fish and Boat Commission (Commission) published a notice of proposed rulemaking (Regulation No. 48A-82) in the *Pennsylvania Bulletin* at 28 Pa.B. 3591, seeking public comments, objections or suggestions about proposed changes to its threatened and endangered species regulations.

The Commission is extending the public comment period to November 30, 1998. Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on or before November 30, 1998. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 98-1907. Filed for public inspection November 20, 1998, 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 10, 1998.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-4-98	First Commonwealth Financial Corporation, Indiana, to acquire 100% of the voting shares of Southwest National Corporation, Greensburg, and indirectly Southwest National Bank of Pennsylvania, Greensburg	Indiana	Approved
11-6-98	ACNB Corporation, Gettysburg, to acquire 100% of the voting shares of Farmers National Bancorp, Inc., Newville, and indirectly Farmers National Bank of Newville, Newville	Gettysburg	Filed

##### Bank Holding Company Reorganization (Charter/Merger)

<i>Date</i>	<i>Name of Institution/Corporation</i>	<i>Location</i>	<i>Action</i>
11-6-98	Peoples Home Interim Savings Bank Beaver Falls Beaver County	Beaver Falls	Approved Effective 11-9-98
11-6-98	Peoples Home Savings Bank, Beaver Falls, and Peoples Home Interim Savings Bank, Beaver Falls Surviving Institution— Peoples Home Savings Bank, Beaver Falls	Beaver Falls	Approved Effective 11-9-98

Above transactions are being effected solely in connection with the two-tier reorganization of PHS Bancorp, M.H.C., Beaver Falls.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-2-98	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County  Purchase of assets/assumption of liabilities of one branch office of First Western Bank, N.A., New Castle, Located at:  451 Hyde Park Road Leechburg Westmoreland County	Jefferson Borough	Filed
11-2-98	U. S. Bank Johnstown Cambria County  Purchase of assets/assumption of liabilities of two branch offices of First Western Bank, N. A., New Castle, Located at:	Johnstown	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	103 Tenth Street Barnesboro Cambria County	104 South Center Street Ebensburg Cambria County	

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-26-98	Harris Savings Bank Harrisburg Dauphin County	Martin's/Giant Food Store 1729 Dual Highway Hagerstown Washington County Maryland	Opened
10-30-98	Berks County Bank Reading Berks County	601 Penn Street Reading Berks County	Opened
10-30-98	Parkvale Savings Bank Monroeville Allegheny County	307 Fourth Avenue Pittsburgh Allegheny County	Opened
11-2-98	Abington Savings Bank Jenkintown Montgomery County	101 Ft. Washington Ave. Fort Washington Montgomery County	Filed
11-2-98	Abington Savings Bank Jenkintown Montgomery County	667 Welsh Road Lower Moreland Twp. Montgomery County	Filed
11-4-98	Northwest Savings Bank Warren Warren County	2296 South Market St. Elizabethtown Lancaster County	Approved
11-4-98	Northwest Savings Bank Warren Warren County	922 Columbia Avenue Lancaster Lancaster County	Approved
11-4-98	Northwest Savings Bank Warren Warren County	201 West Main St. New Holland Lancaster County	Approved
11-4-98	Northwest Savings Bank Warren Warren County	1195 Manheim Pike Lancaster Lancaster County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-4-98	Lafayette Ambassador Bank Easton Northampton County	<i>To:</i> 60 West Broad Street Bethlehem Northampton County  <i>From:</i> 231 East Broad Street Bethlehem Northampton County	Filed
11-6-98	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>To:</i> Palmyra Shopping Center 901 East Main St. Palmyra Lebanon County  <i>From:</i> 41 North Londonderry Square Palmyra North Londonderry Twp. Lebanon County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-2-98	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County	914 Narrows Run Road Coraopolis Allegheny County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-98	U. S. Bank Johnstown Cambria County	180 St. Mary's St. Loretto Cambria County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1908. Filed for public inspection November 20, 1998, 9:00 a.m.]

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

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of December, 1998, is 7 3/4%.

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

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.24 to which was added 2.50 percentage points for a total of 7.74 that by law is rounded off to the nearest quarter at 7 3/4%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-1909. Filed for public inspection November 20, 1998, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS****APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****[National Pollution Discharge Elimination System Program (NPDES)]****DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER****(Part I Permits)**

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

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

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

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

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

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

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

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

**PA 0050881.** Sewage, **North Penn School District**, 401 East Hancock Street, Lansdale, PA 19446.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant in Montgomery Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Little Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 6,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Total Residual Chlorine		
(0—2 years)	0.8	2.0
(3 years)	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Phosphorus as P		
(4-1 to 10-31)	2.0	4.0
Nitrite and Nitrate		
(7-1 to 10-31)	9	18

The EPA waiver is in effect.

**PA 0057509.** Industrial waste, **Joseph Silvestri & Son**, 1168 Naamans Creek Road, Boothwyn, PA 19601.

This application is for issuance of an NPDES permit to discharge treated process wastewater from a process wastewater treatment facility in Bethel Township, **Delaware County**. This is a new discharge to South Branch Naamans Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.025 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
pH	within limits of 6.0—9.0 standard units at all times		
Ammonia as N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Dissolved Oxygen	minimum 4.0 mg/l at all times		
Fecal Coliform	200 colonies/100 ml as a geometric average		
Total Residual Chlorine	0.13		0.31
Total Dissolved Solids	1,000		2,000
Total Copper	monitor/report	monitor/report	monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Lead	monitor/report	monitor/report	monitor/report
Total Aluminum	monitor/report	monitor/report	monitor/report
Total Iron	monitor/report	monitor/report	monitor/report

*Other Conditions:*

The EPA waiver is in effect.

**PA 0055280.** Sewage, **David R. Jones**, 6179 Covered Bridge Road, Pipersville, PA 18947.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Plumstead Township, **Bucks County**. This is an existing discharge to a dry swale to an unnamed tributary to the Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
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.

**PA 0021857.** Sewage, **Souderton Borough**, 31 West Summit Street, Souderton, PA 18964.

This application is for renewal of an NPDES permit to discharge treated sewage from the Souderton Borough STP in Franconia Township, **Montgomery County**. This is an existing discharge to Skippack Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 2.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	3.6		7.2
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine	0.012		0.039
Total Copper			
(0—3 years)	0.10		0.25
(4—5 years)	0.023		0.058

*Other Conditions:*

The EPA waiver is not in effect.

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

**PA 0042048.** Sewerage, **Conyngham Borough Authority**, P. O. Box 469, Conyngham, PA 18219.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Little Nescopeck Creek in Sugarloaf Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Supply on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of .35 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0—9.0 standard units at all times		
pH			
Total Residual Chlorine	monitor and report		monitor and report
(1st Month—24th Month)	1		2
(25th Month—Expiration)			

The EPA waiver is in effect.

**PA 0044997.** Sewerage, **Mount Pocono Municipal Authority**, 303 Pocono Boulevard, Mount Pocono, PA 18344.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Forest Hills Run in Mt. Pocono Borough, **Monroe County**.

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

Effluent requirements were determined at the point of discharge.

*Outfall 001*

The proposed effluent limits based on a design flow of .60 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	15.0	20.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.70		5.40
(11-1 to 4-30)	8.10		16.20
Phosphorus as P	1.0		2.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times		
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0—9.0 standard units at all times		
pH			
Total Residual Chlorine	monitor and report		
(1st Month—36th Month)	.19		.44
(37th Month—Expiration)			
Total Copper	monitor and report		
NO <sub>2</sub> + NO <sub>3</sub> as N	13.80		27.60
<i>Temperature</i>			
Jan 1—31	43.5°F (Daily Maximum)		
Feb 1—29	42.5°F (Daily Maximum)		
Mar 1—31	50.9°F (Daily Maximum)		
Apr 1—15	55.9°F (Daily Maximum)		
Apr 16—30	57.0°F (Daily Maximum)		
May 1—15	58.2°F (Daily Maximum)		
May 16—30	62.2°F (Daily Maximum)		
Jun 1—15	65.3°F (Daily Maximum)		
Jun 16—30	69.3°F (Daily Maximum)		
Jul 1—31	72.7°F (Daily Maximum)		
Aug 1—15	71.6°F (Daily Maximum)		
Aug 16—31	71.6°F (Daily Maximum)		
Sep 1—15	67.5°F (Daily Maximum)		
Sep 16—30	61.5°F (Daily Maximum)		
Oct 1—15	56.5°F (Daily Maximum)		
Oct 16—31	52.5°F (Daily Maximum)		
Nov 1—15	47.7°F (Daily Maximum)		

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nov 16—30	43.4°F (Daily Maximum)		
Dec 1—30	45.1°F (Daily Maximum)		

The proposed effluent limits based on a design flow of .99 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	15.0	20.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.40		4.80
(11-1 to 4-30)	7.20		14.40
Phosphorus as P	1.0		2.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times		
pH	6.0—9.0 at all times		
NO <sub>2</sub> + NO <sub>3</sub> as N	12.10		24.20
Total Residual Chlorine	.12		.275
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
Total Copper	monitor and report		
<i>Temperature</i>			
Jan 1—31	41.0°F (Daily Maximum)		
Feb 1—29	40.4°F (Daily Maximum)		
Mar 1—31	46.9°F (Daily Maximum)		
Apr 1—15	52.3°F (Daily Maximum)		
Apr 16—30	55.2°F (Daily Maximum)		
May 1—15	57.2°F (Daily Maximum)		
May 16—30	61.2°F (Daily Maximum)		
Jun 1—15	64.7°F (Daily Maximum)		
Jun 16—30	68.7°F (Daily Maximum)		
Jul 1—31	72.4°F (Daily Maximum)		
Aug 1—15	71.3°F (Daily Maximum)		
Aug 16—31	71.3°F (Daily Maximum)		
Sep 1—15	67.3°F (Daily Maximum)		
Sep 16—30	61.3°F (Daily Maximum)		
Oct 1—15	56.3°F (Daily Maximum)		
Oct 16—31	52.3°F (Daily Maximum)		
Nov 1—15	47.4°F (Daily Maximum)		
Nov 16—30	42.7°F (Daily Maximum)		
Dec 1—31	42.8°F (Daily Maximum)		

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0021229.** Sewage, SIC: 4952, **Littlestown Borough Authority**, 46 East King Street, Littlestown, PA 17340-1612.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Alloway Creek, in Union Township, **Adams County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5	XXX	3.0
(11-1 to 4-30)	4.5	XXX	9.0
Total Residual Chlorine			
(Interim)	monitor and report	XXX	monitor and report
(Final)	0.17	XXX	0.55
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is not in effect.

The permit proposes a monthly maximum flow limit of 1.3 mgd.

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

**PA 0060062.** SIC: 4952, **U. S. Department of Labor (Red Rock Job Corps Center)**, P. O. Box 218, Lopez, PA 18628-0218.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to an unnamed tributary to Mehoopany Creek in Colley Township, **Sullivan County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Borough located approximately 100 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.05 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Total Chlorine Residual	monitor	
Dissolved Oxygen	monitor	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 200/100 ml as a geometric average	
pH	6.0—9.0 su at all times.	

The EPA waiver is in effect.

**PA 0113891.** Sewerage, SIC: 4952, **Boar & Bull Tavern, Inc.**, 315 North Market Street, Selinsgrove, PA 17870-1909.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary of Middle Creek in Beaver Township, **Snyder County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located approximately 55 river miles downstream.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Cl <sub>2</sub> Residual	report		
Fecal Coliforms: (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

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

**PA 0100013.** Sewage, **National Fuel Gas Distribution Corporation**, P. O. Box 2081, Erie, PA 16512.

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



The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There are no potable water supplies affected by this discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.000600 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	20	40
NH <sub>3</sub> -N	3	6
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Phosphorus as P	1.0	
Total Residual Chlorine (interim)	monitor and report	
(final)	1.4	3.3
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0020257.** Sewage. **Borough of Grove City**, P. O. Box 110, Grove City, PA 16127-0110.

This application is for renewal of an NPDES permit to discharge treated sewage to the Wolf Creek in Grove City, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Camp Allegheny intake on Slippery Rock Creek located at Wayne Township, approximately 25 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank), based on a design flow of 3.0 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	15	22.5	30
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	3.5		7
(11-1 to 4-30)	10		21
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	3,600/100 ml as a geometric average		
Total Residual Chlorine (Interim)	0.84		1.68
(Final)	0.39		1.27
Copper	XX		
Thallium (Interim)	XX		
(Final)	0.0046		0.0092
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	6.0—9.0 at all times		

XX—monitor and report.

The EPA waiver is not in effect.

**PA 0103811, Amendment No. 2.** Industrial waste, SIC: 4953, **Waste Management Disposal Services of PA, Inc./Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061.

In a letter dated October 28, 1998, the applicant requested that this permit application be withdrawn. The application is being returned as requested. The notice for the draft permit was published on September 19, 1998.

#### **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 (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). 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 Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0085472	DiBiase Construction, Inc. 101 Roberts Rd. Wyomissing, PA 19610-3109	Berks Cumru Township	UNT to Schuylkill River	TRC

**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER  
Applications under the Pennsylvania Clean  
Streams Law  
(Part II Permits)**

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

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

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**Applications received for industrial waste and sewage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707.*

Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.

**A. 3691410, Amendment 98-1.** Industrial waste, submitted by **Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516-9630 in Manor Township, **Lancaster County** to expand their existing facility and construct an equalization tank and sludge storage facility was received in the Southcentral Region on October 23, 1998.

**A. 0698407.** Sewage, submitted by **Borough of Bernville**, P. O. Box 73, Bernville, PA 19506 in Bernville Borough, **Berks County** to upgrade and expand the existing wastewater treatment plant was received in the Southcentral Region on November 2, 1998.

**A. 6798410.** Sewage, submitted by **Spring Grove Area School District**, 100 East College Avenue, Spring Grove, PA 17362 in Paradise Township, **York County** to construct an on-lot treatment system to serve the Paradise Elementary School was received in the Southcentral Region on November 6, 1998.

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

**WQM Permit No. 4398419.** Sewage, **William Williams, SRSTP**, 54 Grange Rd., West Middlesex, PA 16159. This project is for the construction of a single residence sewage treatment plant in Shenango Township, **Mercer County**.

**WQM Permit No. 1098410.** Sewage, **C. Thomas Cumberledge, SRSTP**, P. O. Box 404, Evans City, PA 16033-0404. This project is for the construction of a single residence sewage treatment plant in Connoquenessing Township, **Butler County**.

**WQM Permit No. 1098411.** Sewage, **William M. Schreiner, SRSTP**, 3258 William Flynn Highway, Slippery Rock, PA 16057. This project is for the construction of a single residence sewage treatment plant in Slippery Rock Township, **Butler County**.

**INDIVIDUAL PERMITS  
(PAS)**

**NPDES Individual**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment 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 of 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 Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

*Berks County Conservation District, District Manager, P. O. Box 520, 1238 County Welfare Rd., Leesport, PA 19533, (610) 372-4657.*

**NPDES Permit PAS-10-C028.** Stormwater. **Triple Crown Corporation**, 5351 Jaycee Avenue, Harrisburg, PA 17112, has applied to discharge stormwater from a construction activity located in Birdsboro Borough, **Berks County**, to Hay Creek.

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

*Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U102.** Stormwater. **Pektor Partners, L.P.**, 559 Main St., Suite 300, Bethlehem, PA 18018, has applied to discharge stormwater from a construction activity located in Williams Township, **Northampton County**, to Frya Run.

**SAFE DRINKING WATER**

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

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

**4596503.** Public water supply. **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposal involves the construction of PWS facilities to treat water from Well No. 1, previously developed by Coolbaugh Township and connecting it to customers previously served by the Tobyhanna Water Company, Fairview Water Company National Utilities, Inc., at Pine Hill and Summit Point. It is located in Coolbaugh Township, **Monroe County**. *Engineer:* Bruce Juergens, PE, Engineering Manager.

**4598503.** Public water supply. **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposal involves the installation of corrosion inhibitor feed facilities at the PAWC properties of Pine Hill and Summit Point. PAWC properties changing the AquaMag polyphosphate feed at the Pocono Mountain Industrial Park Well to a zinc orthophosphate. It is located in Coolbaugh Township, **Monroe County**. *Engineer:* Paul Zielinski, Water Quality Superintendent.

**4598504.** Public water supply. **Mushroom Farms Development**, 7 Sherman Road, Tobyhanna, PA 18466. This proposal involves the installation of equipment for pH adjustment and to apply a corrosion inhibiting chemical. It is located in Tobyhanna Township, **Monroe County**. *Engineer:* Birck Linder, PE, Linder Engineering.

**4598506.** Public water supply. **Stroudsburg Municipal Authority**, 410 Stokes Avenue, P. O. Box 237, East Stroudsburg, PA 18301. This proposal involves the use of duplex submersible, in line, booster pumps with associated controls and small hydropneumatic tanks. It is located in Stroud Township, **Monroe County**. *Engineer:* RKR Hess Associates.

**4898505.** Public water supply. **Lehigh Township Municipal Authority**, 1069 Municipal Road, Walnutport, PA 18088. This proposal involves a DE filter, storage reservoir/clear well, hypochlorite disinfection system, pH adjustment and orthophosphate corrosion control treatment. It is located in Lehigh Township, **Northampton County**. *Engineer:* Spotts, Stevens and McCoy, Inc.

**5498506.** Public water supply. **Schuylkill County Municipal Authority—Mount Laurel Water Treatment Plant**, 221 South Centre Street, Pottsville, PA 17901, David Holley, General Manager. This proposal involves an increase in the permitted water treatment flow rate from 1.0 mgd, the construction of a new 1 mg distribution storage tank, a SCADA monitoring system, a new raw and treated water pump and new clear well. It is located in New Castle Township, **Schuylkill County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Tailgaters Parking LLC**, Stowe Township, **Allegheny County**. The Peters Group, Diana Ragusa, 501 Camberly Court, Mars, PA 16046 and P & LE Properties, Inc., in care of John Hartman, 49 Plus Street, Pittsburgh, PA 15203 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs, PAHs and undetermined. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Suburban Gazette* on October 7, 1998.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Osram Sylvania Products, Inc.**, West Manchester Township, **York County**. Osram Sylvania Products, Inc., 1128 Roosevelt Avenue, York, PA 17404 resubmitted a Notice of Intent to Remediate site soils contaminated

with solvents. 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 *York Daily Record* on October 30, 1998.

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

**Westinghouse Air Brake Company**, Borough of Wilmerding, **Allegheny County**. Westinghouse Air Brake Company, Locomotive Division, 1001 Airbrake Avenue, Wilmerding, PA 15148 and American Geosciences, Inc., David R. Perry, 3925 Reed Boulevard, Suite 400, Murfreesville, PA 15668-1848 has submitted a Notice of Intent to Remediate soil contaminated with heavy metals, solvents and PHCs. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Progress* on October 21, 1998.

## AIR QUALITY

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

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

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

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

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

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

## OPERATING PERMITS

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

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

**35-318-077: Scranton Army Ammunition Plant** (156 Cedar Avenue, Scranton, PA 18505) for operation of a paint spray booth in Scranton, **Lackawanna County**.

**39-313-034A: Elementis Catalysts, Inc.** (1 West Allen Street, Unit No. 11, Allentown, PA 18102) for operation of an aluminum chloride reactor system in Allentown, **Lehigh County**.

**39-399-047: Lutron Electronics Co., Inc.** (8240 Spring Creek Road, Alburtis, PA 18011) for operation of a stencil cleaning operation in Lower Macungie Township, **Lehigh County**.

**48-303-010: McMinn Material Co., Inc.** (R. R. 5, Box 5165A, Easton Road, Bethlehem, PA 18015) for operation of a bituminous concrete mix plant in Bethlehem, **Northampton County**.

**48-309-095: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for operation of a clinker silo discharge system in Lower Nazareth Township, **Northampton County**.

**48-310-005A: Waylite Corp.** (R. R. 5, Box 5165, Easton Road, Bethlehem, PA 18015) for operation of a material dryer in Bethlehem, **Northampton County**.

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

**21-317-059: Quaker Oats Company** (St. John's Church Road, Shiremanstown, PA 17011) for the operation of a wheat dryer in Hampden Township, **Cumberland County**.

**38-318-030B: Supreme Mid-Atlantic Corporation** (P. O. Box 779, Jonestown, PA 17038) for the Plant No. 2 paint areas in Swatara Township, **Lebanon County**.

**67-399-021: American Ash Recycling Corporation of PA** (1072 Roosevelt Avenue, York, PA 17404) for municipal ash recycling in West Manchester Township, **York County**.

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

**17-304-002: Clearfield Machine Co.** (P. O. Box 992A, Clearfield, PA 16830) for operation of two rotary reverberatory iron melting furnaces previously owned and operated by Clearfield Machine Company in Clearfield Borough, **Clearfield County**.

**17-304-007: Clearfield Machine Co.** (P. O. Box 992A, Clearfield, PA 16830) for operation of a molding sand reclaim system and associated air cleaning device (a fabric collector) previously owned and operated by Clearfield Machine Company in Clearfield Borough, **Clearfield County**.

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

**11-00242: Westmont Hilltop School District** (827 Diamond Boulevard, Johnstown, PA 15905) for operation of boilers at a high school in Westmont Boro, **Cambria County**.

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

**10-313-044A: Witco Corporation** (P. O. Box 336, Petrolia, PA 16050) for the operation of methanol storage tanks in Fairview Township, **Butler County**.

**PA-10-028A: Armstrong Cement and Supply Company** (100 Clearfield Road, Cabot, PA 16023) for the operation of a ball mill and air separator in West Winfield Township, **Butler County**.

**PA-10-282A: Butler County Humane Society** (P. O. Box 2036, Butler, PA 16003) for the operation of an incinerator in Renfrew Township, **Butler County**.

**PA-25-952A: Bush Industries of PA Incorporated** (2455 Robison Road West, Erie, PA 16509) for the operation of wood product uv surface coating in Summit Township, **Erie County**.

**PA-25-974A: Hi-Tech Plating Company Incorporated** (1015 West 18th Street, Erie, PA 16502) for the operation of a chrome plating operation in Erie, **Erie County**.

**37-309-046: Essroc Materials, Incorporated** (P. O. Box 779, Bessemer, PA 16112) for the operation of tire-derived fuel systems in Bessemer Borough, **Lawrence County**.

**PA-37-011B: Farmers Dairy Foods, Incorporated** (P. O. Box 198, New Wilmington, PA 16142) for the operation of a spray dryer, in Wilmington Township, **Lawrence County**.

**PA-37-023A: Pennsylvania Power Company** (P. O. Box 891, 1 East Washington Street, New Castle, PA 16103) for the operation of a boiler in West Pittsburg, **Lawrence County**.

**PA-42-184E: Keystone Powdered Metal Company** (1935 State Street, St. Marys, PA 15857) for the operation of a tempering furnace in Lewis Run, **McKean County**.

**PA-42-184F: Keystone Powdered Metal Company** (1935 State Street, St. Marys, PA 15857) for the operation of a heat treat furnace in Lewis Run, **McKean County**.

**PA-43-304A: Greenville Veterinary Clinic** (409 East Jamestown Road, Greenville, PA 16125) for the operation of an incinerator in Greenville, **Mercer County**.

**PA-61-064A: Con Air Group-Franklin Division** (P. O. Box 790, Franklin, PA 16323) for the operation of a painting process in Sugarcreek, **Venango County**.

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

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

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the

regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

**TVOP 18-00009: Clinton County Solid Waste Authority** (P. O. Box 209, McElhatten, PA 17748) for their Wayne Township Landfill located in Wayne Township, **Clinton County**. The facility's major sources include a flare system and a diesel fueled dirt-screening operation. The air emissions from the facility are below major source thresholds. This facility is subject to Subpart Cc, of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.30c—60.36c, "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills."

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**65-00163: Pa Dept. of Public Welfare** (Torrance, PA 15779) issued November 4, 1998, for facility at Torrance State Hospital in Derry Township, **Westmoreland County**.

#### **PLAN APPROVALS**

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

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

**PA-46-0033: Waste Management Disposal Services of PA** (1425 Sell Road, Pottstown, PA 19464) for a permitted landfill in West Pottsgrove Township, **Montgomery County**.

**PA-09-0018: Moore North America, Inc.** (100 American Drive, Quakertown, PA 18951) for the modification of nonheatset web offset printing presses in Richland Township, **Bucks County**.

**PA-23-0078: Metro Machine Corporation of PA** (Foot of Morton Avenue, Chester, PA 19013) for the construction of a shipyard in the City of Chester, **Delaware County**.

**PA-23-0047: Degussa Corporation** (1200 West Front Street, Chester, PA 19013) for the construction of a flattening mill in the City of Chester, **Delaware County**.

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

**08-316-011A: Masonite Corp., Subsidiary of International Paper Co.** (P. O. Box 311, Towanda, PA 18848-0311) for installation of a replacement air cleaning device (a venturi scrubber) on a hardboard press (die form press) in Wysox Township, **Bradford County**.

**35-313-010: Taylor Chemical, Inc.** (c/o Chemtall, Inc., P. O. Box 250, Riceboro, GA 31323) for construction of a polyacrylamide manufacturing process in the Stauffer Industrial Park, Taylor Borough, **Lackawanna County**.

**39-309-046C: Lafarge Corp.** (5160 Main Street, Whitehall, PA 18052) for modification of Kiln No. 3 in Whitehall Township, **Lehigh County**.

**39-309-049A: Lafarge Corp.** (5160 Main Street, Whitehall, PA 18052) for modification of Kiln No. 2 in Whitehall Township, **Lehigh County**.

**48-309-104: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for modification of cement packing machine No. 1 and No. 4 in Nazareth Borough, **Northampton County**.

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

**67-05014A: York Group, Inc.** (2880 Blackridge Road, York, PA 17402) for the inclusion of presently uncontrolled VOC sources under the control of an activated carbon concentrator and a catalytic incinerator located in Manchester Township, **York County**.

**67-399-022: York International Corporation** (P. O. Box 1592, York, PA 17405) for the installation of three dry plasma plate cutting machines at their Grantley Plant located in Spring Garden Township, **York County**.

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

**63-641B: Regal Industrial Corporation** (P. O. Box 291, Donora, PA 15033) for installation of painting operations at Donora Plant in Donora Boro, **Washington County**.

**56-270A: Lane Construction Corporation** (P. O. Box 346, Donegal, PA 15628) for installation of drum-mix asphalt plant at Donegal Asphalt Plant No. 49 in Jefferson Township, **Somerset County**.

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

**33-309-017A: Owens Brockway Glass Container, Incorporated, Plant No. 19** (Route 219 North, Brockway, PA 15824) for minor modification of Operating Permit 33-309-017 to increase ammonia emission limit to 2.8 lbs/hr, in Snyder Township, **Jefferson County**.

#### REASONABLY AVAILABLE CONTROL TECHNOLOGY

##### (RACT)

#### Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Public Hearing

*Approval of an amendment of a Reasonably Available Control Technology (RACT) plan for Pennsylvania Electric Company/GPU Generation, Inc. in Bradford Township, Clearfield County.*

The Department of Environmental Protection (Department) has made a preliminary determination to approve an amendment of a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for an electric generating facility (Shawville Generating Station) owned by Pennsylvania Electric Company and operated by GPU Generation, Inc. in Bradford Township, Clearfield County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility to comply with current regulations.

The preliminary RACT amendment, if finally approved, will result in the revision of Plan Approval PA-17-0001 issued on December 27, 1994, and reissued on October 6, 1998, and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The proposed amendment consists of revising the allowable nitrogen oxides (NO<sub>x</sub>) emission limit for pulverized bituminous coal-fired Unit 1 from .50 pounds per million BTU of heat input (30 day rolling average) to .524 pounds per million BTU of heat input (30 day rolling average) and the allowable nitrogen oxides (NO<sub>x</sub>) emission limit for pulverized bituminous coal-fired Unit 2 from .50 pounds per million BTU of heat input (30 day rolling average) to .542 pounds per million BTU of heat input (30 day rolling average). This revision is authorized under 25 Pa. Code § 129.91(j).

One public hearing will be held for the purpose of receiving comments on the proposed plan approval revision and the proposed SIP revision. The hearing will be held on January 6, 1999, 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 (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 David W. Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by January 21, 1999.

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.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

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

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

#### *Coal Applications Received*

**32970107.** SMP Boundary Revision, **Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670) to add 0.2 acre to the existing permit of which 0.1 acre is for additional mining of the Pittsburgh coal seam in Young Township, **Indiana County**, receiving stream unnamed tributaries to Blacklegs Creek. Application received November 2, 1998.

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

**17723164.** **Al Hamilton Contracting Co.** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 548.9 acres. This application is for reclamation only. Receiving streams: Forcey Run and Valley Fork Run and Roaring Run to West Branch Susquehanna River to the Susquehanna River. Application received October 21, 1998.

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

**40930202C.** **Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), correction to an existing coal refuse reprocessing operation to add strip mining in Hazle Township, **Luzerne County** affecting 447.7 acres, receiving stream—none. Application received October 21, 1998.

**54900101R.** **Peppi Coal Co.** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Reilly and Branch Townships, **Schuylkill County** affecting 1,794.0 acres, receiving stream—Panther Creek. Application received October 24, 1998.

**54900101T.** **Blackwood, Inc.** (P. O. Box 639, Wind Gap, PA 18091), transfer of an existing anthracite surface mine operation from Peppi Coal Co. in Reilly and Branch Townships, **Schuylkill County** affecting 1,794.0 acres, receiving stream—Panther Creek. Application received October 24, 1998.

**54930201.** **Wheelabrator Culm Services, Inc.** (Liberty Lane, Hampton, NH 03842), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 117.0 acres, receiving stream—none. Application received October 26, 1998.

**54830109R3.** **Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 625.0 acres, receiving stream—Schuylkill River. Application received October 30, 1998.

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

#### *Large Industrial Mineral Applications Received*

**4773SM2.** **Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231), renewal of the existing NPDES permit on a large industrial mineral permit, Potter Township, **Centre County** affecting 15.0 acres. Application received October 26, 1998.

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

#### *Noncoal Applications Received*

**37860305.** **G. L. McKnight, Inc.** (P. O. Box 773, Slippery Rock, PA 16057). Renewal of an existing gravel



operation in Plain Grove Township, **Lawrence County** affecting 103.0 acres. Receiving streams: Taylor Run. Application received November 3, 1998.

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

**60840401A1C3. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0614181 in Buffalo Township, **Union County**, receiving stream—Buffalo Creek. Application received October 23, 1998.

**44930301C. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0595985 in Armagh Township, **Mifflin County**, receiving stream—Laurel Creek. Application received October 23, 1998.

**6476SM10A1C2. John F. Walker Excavating, Inc.** (P. O. Box 175, Newville, PA 17241), renewal of NPDES Permit No. PA0594172 in Middlesex Township, **Cumberland County**, receiving stream—Conodoguinet Creek. Application received October 27, 1998.

**7574SM1A1C2. Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104-1645), renewal and correction of NPDES Permit No. PA0594300 in Silver Spring Township, **Cumberland County**, receiving stream—Conodoguinet Creek. Application received October 29, 1998.

**66980302. Joseph W. Keller** (P. O. Box 247, Fleetville, PA 18420), commencement, operation and restoration of a large quarry operation in Lemon Township, **Wyoming County** affecting 44.38 acres, receiving stream—unnamed tributary. Application received November 4, 1998.

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

### ENCROACHMENTS

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

**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.**

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

**E51-169. Encroachment. Philadelphia Industrial Development Corporation**, 1500 Market Street, 2600 Centre Square West, Philadelphia, PA 19102. To maintain approximately 0.10 acre of fill within wetlands (PEM) associated with the Otten Flavors Industrial Development and in conjunction with the Philadelphia Industrial Development Corporation (PIDC). The site is located in the Eastwick Industrial Park just east of the intersection of Bartram and Holstein Avenues (Philadelphia USGS Quadrangle N: 3.5 inches; W: 15.2 inches) in the City and **County of Philadelphia**.

**E51-171. Encroachment. Carmen Gricco, t/a Specialty Sales Inc.**, 933 Penn Street, Philadelphia, PA 19147. To maintain four existing 17-inch steel pilings, to install and maintain three new timber pilings and to permanently moor, operate and maintain two commercial vessels at Pier 40 North along the Delaware River (WWF-MF) which will be utilized as a restaurant facility. The project is located approximately 1,000 feet southeast of Exit 18 of Interstate 95 (Northbound) and just east of the intersection of Penn Street and Ellen Street (Philadelphia, PA USGS Quadrangle N: 15.9 inches; W: 1.3 inches) in the City and **County of Philadelphia**.

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

**E40-509. Encroachment. Pennsylvania American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701. To modify and maintain an existing aerial utility line crossing of Monument Creek (HQ-CWF), with work consisting of constructing steel trusses to support the two 30-inch water mains. The project will include bank rehabilitation within a 90-foot channel reach at the crossing location to restore the grades of the eroded banks, and placement of R-7 riprap bank protection. The project is located approximately 100 feet north of S. R. 0502 (Avoca, PA Quadrangle N: 14.1 inches; W: 8.9 inches), in Pittston Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E48-277. Encroachment. Pektor Partners, L.P.**, 559 Main Street, Suite 300, Bethlehem, PA 18018. To construct and maintain a 60-inch diameter C.M.P. outfall structure and associated energy dissipater along the northern streambank of Frya Run (HQ-CWF). The project is located approximately 0.2 mile west of the intersection of Township Road T418 and S. R. 0611 (Riegelsville, PA Quadrangle N: 21.7 inches; W: 11.4 inches), in Williams Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

**E64-198. Encroachment. W. J. Reining & Sons, Inc.**, P. O. Box 277, Beach Lake, PA 18405. To construct and maintain a road crossing of Wangum Creek (HQ-CWF). Consisting of an aluminum open-bottom arch culvert, having a span of 19.0 feet and an underclearance of 6.3 feet. The purpose of the crossing is to provide access for timber harvesting. The project is located approximately 3,000 feet west of the Lake Township/Paupack Township boundary (Lakeville, PA Quadrangle N: 18.4 inches; W: 8.4 inches), in Lake Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E01-201. Encroachment. Latimore Township**, David Myers, P. O. Box 218, York Springs, PA 17372. To maintain an 8-foot wide by 3-foot high concrete box culvert on

Latimore Creek (CH93-CWF) on Hollow Road (T-635) just south of T-608 (Dillsburg, PA Quadrangle N: 11.25 inches; W: 17.0 inches) in Latimore Township, **Adams County**.

**E01-202.** Encroachment. **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325. To construct and maintain a 16-inch diameter water transmission main along Pumping Station Road and Long Lane. The new main will cross four waterways: (1) Willoughby Run (WWF) west of Black Horse Tavern Road, north of Millerstown Road (2) Stevens Run (WWF) west of Emmittsburg Road and Long Lane (3) unnamed tributary #1 to Willoughby Run (WWF) east of West Confederate Avenue and (4) unnamed tributary #2 to Willoughby Run (WWF) east of crossing No. 3. Crossings will be located in Gettysburg Borough and Cumberland Township, **Adams County**. The project will pass through the Gettysburg National Military Park. Western end of project located at (Fairfield, PA Quadrangle N: 8.5 inches; W: 3.5 inches) and eastern end of project is located at (Gettysburg, PA Quadrangle N: 14.25 inches; W: 15 inches).

**E22-389.** Encroachment. **Steven McElrath**, 4814 Derry Street, Harrisburg, PA 17111. To maintain a storage shed and a spa and enclosure in the floodway of Spring Creek at a point along Derry Street between 48th and 49th Streets (Harrisburg East, PA Quadrangle N: 1.6 inches; W: 6.3 inches) in Swatara Township, **Dauphin County**.

**E22-393.** Encroachment. **PA Department of Transportation**, Engineering District 8-0, 1240 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 20.2-foot by 5-foot box culvert in the channel of a tributary to Beaver Creek (Nyes Run) at a point at SR 2019, Section 003, Segment 0100, Offset 0000 (Harrisburg, PA Quadrangle N: 10.75 inches; W: 5.0 inches) in Lower Paxton Township, **Dauphin County**.

**E31-149.** Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove a deck of an existing bridge and to construct and maintain a new bridge deck and partially remove and replace five existing pier supports in the Juniata River (WWF) located on SR 0522, Section 002, Segment 0460, Offset 2259 at Mount Union Borough (Mount Union, PA Quadrangle N: 3.3 inches; W: 0.6 inch) in Mount Union Borough, **Huntingdon County**.

**E34-090.** Encroachment. **William Sheaffer**, P. O. Box 104, Beavertown, PA 17813. To remove silt and sediment from a 1,000 foot section of Leiningers Run at a point in the vicinity of T-415 (Richfield, PA Quadrangle N: 3.25 inches; W: 3.5 inches) in Susquehanna Township, **Juniata County**.

**E67-651.** Encroachment. **Bill and Nick Nichols**, 114 Bridge Street, New Cumberland, PA 17070. To construct and maintain two 48-inch diameter culverts, 33 feet long, in Fishing Creek (CH93-TSF) to construct a private drive to an existing hunting camp located north of SR 0392 (Potts Road) directly across from Ramblewood Drive north of Exit-14 off of Interstate 83 (Steelton, PA Quadrangle N: 4.8 inches; W: 11.0 inches) in Newberry Township, **York County**.

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

**E14-333.** Encroachment. **Phillip Yanak**, R. R. 1, Woodward, PA 16882. To remove, construct and maintain

a single span bridge with a clear span of 14 feet and an underclearance of 28 inches over an unnamed tributary to Elk Creek located .75 mile south on Penn St. from the intersection of SR 45 turn east onto Bear Alley (Millheim, PA Quadrangle N: 2.1 inches; W: 13.7 inches) in Millheim Borough, **Centre County**. Estimated stream disturbance is 30 feet; stream classification EV.

**E60-137.** Encroachment. **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837. To maintain a concrete encased sanitary sewer line under Limestone Run approximately 170 feet west of Fairground Road and 400 feet south of SR 0045 (Lewisburg, PA Quadrangle N: 14.75 inches; W: 4.8 inches) in East Buffalo Township, **Union County**. Estimated stream disturbance is 6 feet with no wetland impact; stream classification WWF.

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

**E26-248.** Encroachment. **Albert Gallatin Area School District**, 10 West Church Street, Masontown, PA 15461-1800. To operate and maintain a 240-foot long, 24-inch ADS pipe in an unnamed tributary to the Monongahela River (WWF) located at Albert Gallatin Elementary School (Masontown, PA Quadrangle N: 17.85 inches; W: 4.00 inches) in Masontown Borough, **Fayette County**.

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## ACTIONS

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

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

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

#### (Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 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.

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


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

**NPDES Permit No. PA0054216.** Industrial waste. **Rockwood Spring Water Company**, P. O. Box 624, Harmonyville Road, Pottstown, PA 19464, is authorized to discharge from a facility located in South Coventry Township, **Chester County** into an unnamed tributary to Pigeon Creek.

**NPDES Permit No. PA0057444.** Industrial waste. **Jackson Immuno Research Laboratories, Inc.**, P. O. Box 9, West Grove, PA 19390-9156, is authorized to discharge from a facility located in Penn Township, **Chester County** into an unnamed tributary to East Branch Big Elk Creek.

**NPDES Permit No. PA0055140, Amendment No. 1.** Industrial waste. **Equivest Management, Inc.**, 215 S. Broad Street, Philadelphia, PA 19107, is authorized to discharge from a facility located in Norristown Borough, **Montgomery County** into the Schuylkill River.

**NPDES Permit No. PA0026867.** Sewerage. **Abington Township**, 1176 Old York Road, Abington, PA 19001, is authorized to discharge from a facility located in Upper Dublin Township, **Montgomery County** into Sandy Run Creek.

**NPDES Permit No. PA0027987.** Sewerage. **Sun Company Inc. (R & M)**, 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103 is authorized to discharge from a facility to serve Peter J. Camiel Service Plaza located in Wallace Township, **Chester County** to an unnamed tributary to Marsh Creek.

**NPDES Permit No. PA0024651.** Sewerage. **Atglen Borough Sewer Authority**, P. O. Box 250, Atglen, PA 19310, is authorized to discharge from a facility located at the Atglen Borough WWTP located in Atglen Borough, **Chester County** into Valley Creek.

**WQM Permit No. 4698427.** Sewerage. **Abington Township**, 1176 Old York Road, Abington, PA 19001. Approval for the construction and operation of a sewage pump station and sewage collection system located in Abington Township, **Montgomery County**.

**WQM Permit No. 0998416.** Sewerage. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. Approval for the construction and operation of a sewer extension to serve Newtown Center located in Lower Makefield Township, **Bucks County**.

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

**NPDES Permit No. PA-0020745-A1.** Sewerage. **Nescopeck Borough**, 501 Raber Avenue, Nescopeck, PA 18635-1101 is authorized to discharge from a facility located in the Borough of Nescopeck, **Luzerne County**, to Nescopeck Creek.

**Permit No. 6698201.** Industrial waste. **Procter & Gamble Paper Products Company**, P. O. Box 32, Route 87, Mehoopany, PA 18629-0032. Permit to reconfigure existing activated sludge treatment system into a combination aerated-facultative stabilization pond system, located in Washington Township, **Wyoming County**.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**NPDES Permit No. PA0084174.** Sewerage. **Covance Research Products, Inc.**, 310 Swampbridge Road, Denver, PA 17517 is authorized to discharge from a facility located in West Cocalico Township, **Lancaster County** to the receiving waters of an unnamed tributary to the Cocalico Creek.

**NPDES Permit No. PA0085740.** Sewerage. **Mill Creek Area Municipal Authority**, P. O. Box 4, Mill Creek, PA 17060 is authorized to discharge from a facility located in Mill Creek Borough, **Huntingdon County** to the receiving waters named Juniata River.

**NPDES Permit No. PA0083429.** Sewerage. **West Cocalico Township Authority**, 156B West Main Street, Reinholds, PA 17569 is authorized to discharge from a facility located in West Cocalico Township, **Lancaster County** to the receiving waters named Little Cocalico Creek.

**NPDES Permit No. PA0043443.** Sewerage. **Alexandria Borough—Porter Township Joint Sewer Authority**, P. O. Box 113, Alexandria, PA 16611 is authorized to discharge from a facility located in Porter Township, **Huntingdon County** to the receiving waters named Frankstown Branch of the Juniata River.

**NPDES Permit No. PA0026549, Amendment No. 98-1.** Sewerage. **City of Reading**, 815 Washington Street, Reading, PA 19601-3960 is authorized to discharge from a facility located in Reading City, **Berks County** to the receiving waters named Schuylkill River.

**NPDES Permit No. PA0087815.** Sewerage. **Char-Mar Properties, Inc.**, 420 East Conestoga Street, New Holland, PA 17557 is authorized to discharge from a facility located in Caernarvon Township, **Lancaster County** to the receiving waters of an unnamed tributary to the Conestoga River.

**NPDES Permit No. PA0085677.** Industrial. **Harley-Davidson Motor Company**, 1425 Eden Road, York, PA 17402 is authorized to discharge from a facility located in Springettsbury Township, **York County** to the unnamed tributary of Codorus Creek.

**Permit No. 3698409.** Sewerage. **Char-Mar Properties, Inc.**, 420 East Conestoga Street, New Holland, PA 17557. This permit approves the construction of sewage treatment facilities in Caernarvon Township, **Lancaster County**.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0209716.** Sewerage. **Thomas G. Kitchen**, Laporte State Police Barricks, P. O. Box 183, Laporte, PA 18626. Applicant granted permission for an NPDES permit to discharge treated sewage from facility located at Laporte Township, **Sullivan County**.

**WQM Permit No. 5998412.** Sewerage. **Laurel Health System**, 15 Meade Street, Wellsboro, PA 16901. Approval to construct and maintain a sewage treatment facility to serve Morris Run Personnel Care Home. Facility is located at Hamilton Township, **Tioga County**.

**WQM Permit No. 5798401.** Sewerage. **Thomas G. Kitchen**, LaPorte PA State Police Barracks, P. O. Box 183, Laporte, PA 18626. Applicant granted permission to construct a wastewater treatment facility to discharge treated sewage. Facility located at Laporte Township, **Sullivan County**.

**NPDES Permit No. PA0008923, Amendment No. 1.** Industrial waste. **Corning Asahi Video Products Company**, P. O. Box P-9, State College, PA 16801-0009. Amending the sampling protocol for outfall 001 total suspended solids and metals has been granted to facility located at College Township, **Centre County**.

**NPDES Permit No. PA008923, Amendment No. 2.** Industrial waste. **Corning Asahi Video Products Company**, P. O. Box P-9, State College, PA 16801-0009. This amendment approves the use of alternate chemicals in the industrial waste treatment plant. Amending Permit Page 1 and a new page 14D.1 of 14 for facility located at College Township, **Centre County**.

**WQM Permit No. 4198201.** Industrial waste. **Williamsport Wire Rope Inc.**, P. O. Box 3188, Williamsport, PA 17701. Approval granted to construct a new rinse wastewater treatment system replacing the old treatment system to facility located at Williamsport, **Lycoming County**.

**INDIVIDUAL PERMITS**

**(PAS)**

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q159	Windy Road Partners 1818 Bent Pine Hill Fogelsville, PA 18051	Lehigh County Lowhill Township	Tributary to Lyon Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U098	Ronald and Eileen Orr 752 Bangor Road Nazareth, PA 18064	Northampton County Plainfield Township	Little Bushkill Creek
PAS10U099	Tim Buck P. O. Box 363 Kulpsville, PA 19443	Northampton County Moore Township	Monocacy Creek

**INDIVIDUAL PERMITS**

**(PAR)**

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

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

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

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

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

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northampton County Glendon Borough	PAR10U088	Chrin Bros., Inc. 635 Industrial Dr. Easton, PA 18042	Lehigh River	Northampton CD (610) 746-1971
Northampton County Bethlehem Township	PAR10U102	Wagner Enterprises LTD P. O. Box 3154 Easton, PA 18043	Lehigh River (U.N.T.)	Northampton CD (610) 746-1971
Lehigh County Upper Milford Township	PAR10Q008-2	Little Lehigh Development Corp. F. A. Rohrback 232 Main St. Emmaus, PA 18049	Hosensack Creek	Lehigh CD (610) 391-9583
Northampton County Bethlehem Township	PAR10U085-2	Forks Development Co., Inc. 6065 William Penn Hwy. Easton, PA 18045	Lehigh River (U.N.T.)	Northampton CD (610) 746-1971
Cumru Township Berks County	PAR-10-C228	Deerfield Dev. Phase I Berkshire Greens Inc. 10 Village Center Drive Reading, PA 19607	Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Exeter Township Berks County	PAR-10-C230	Devon Green II Forino Dev. Inc. 3000 Penn Avenue West Lawn, PA 19609	Antietam Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Lower Heidelberg Township Berks County	PAR-10-C240	Green Valley Estates Sun Pipeline Co. Ten Penn Center 1801 Market Street Philadelphia, PA 19103	Cacoosing Creek Little Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Spring Township Berks County	PAR-10-C241	Keiser Ridge Hayes Construction Inc. 850 N. Wyomissing Blvd. Wyomissing, PA 19610	Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Hampden Township Cumberland County	PAR-10-H170	Carlisle Carrier Corporation David L. Metzler 6380 Brackbill Blvd. Mechanicsburg, PA 17055	Trindle Spring Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
South Middleton Township Cumberland County	PAR-10-H178	Allen Distribution Allen Distribution Bldg. 5 P. O. Box 62 Plainfield, PA 17081	Alexander and Spring Creek	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
North Middleton Township Cumberland County	PAR-10-H183	Carlisle Suburban Authority 240 Clearwater Drive Carlisle, PA 17013	Conodoguinet Creek	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Clay Township Lancaster County	PAR-10-O-328	Wildflower Pond Associates 1810 Rothsville Road, Suite 200 Lititz, PA 17543	Middle Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAR-10-O-328	Grandview Associates 568 Kraybill Church Road Mount Joy, PA 17552	Little Chickies Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster County	PAR-10-O-332	County of Lancaster 50 N. Duke Street Lancaster, PA 17603	Conestoga River	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAR-10-O-339	Horst & Huffman Associates 1050 Sylvan Road Lancaster, PA 17601	UNT Santo Domingo Creek	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Millerstown Borough Perry County	PAR-10-5125	Millerstown Lodge 925 Loyal Order of Moose 7 North Market Street Millerstown, PA 17062	Juniata River	Perry County CD P. O. Box 36 36 W. Main Street New Bloomfield, PA 17068 (717) 582-8988
Windsor Township York County	PAR-10-Y350	Milner Heights Larkin & Sons Inc. P. O. Box 454 Red Lion, PA 17356	Cabin Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Franklin Township York County	PAR-10-Y343	Quality Green Houses & Perennial Farms Gary Lebo 209 S. Sporting Hill Road Mechanicsburg, PA 17055	North Branch Bermudian Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAR-10-Y348	Windsor Township Municipal Building 255 Bahn's Mill Road P. O. Box 458 Red Lion, PA 17356	Kreutz Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township York County	PAR-10-Y349	Orchard Business Park Kinsley Equities II 2700 Water Street York, PA 17403	Little Conewago Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Carbon County Bowmanstown Borough/ East Penn Township	PAR232227	The Prince Mfg. Co. 229 Radio Road P. O. Box 1009 Quincy, IL 62306-1009	Fireline Creek and Lehigh River	Northeast Region Water Management 2 Public Square Wilkes-Barre, PA 18711- 0790 (717) 826-2553

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Columbia County Greenwood Township	PAG045036	Richard and Mary Sanders P. O. Box 496 Millville, PA 17846	UNT to Little Fishing Creek	Northcentral Region 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Huntingdon County Union Township	PAG043605	Donald and Florence Jackson, Sr. R. R. 1, Box 285 Mapleton Depot, PA 17052-9721	UNT of Smith Run	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

*Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.*

*Location: Shirley Township, Huntingdon County, R. R. 1, Box 110, Shirleysburg, PA 17260.*

The approved plan provides for construction of three sewer line extensions, including five pump stations, to provide public sewer service to the Route 747, 522 and T394 sections of the municipality. Treatment will be provided by Mount Union Municipal Authority. An OLDS Management Ordinance will address the remainder of the Township. The Sugar Run drainage basin of Hill Valley is not approved at this time. Approval consideration will be given pending submission of additional information concerning technical feasibility of its selected alternative. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**SAFE DRINKING WATER**

**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, (610) 832-6130.*

**Permit No. 1598506.** Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. Philadelphia Suburban Water Company has been issued permit approval for the addition of an orthophosphate (inhibitor) along with caustic soda, both for corrosion control at the LaReserve Water System, located in East Marlborough Township, **Chester County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Anthony L. Fernandes, Philadelphia Suburban Water Company, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. *Permit to Construct Issued:* October 27, 1998.

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

**Application No. M. A.** The Department issued an operation permit to **Upper Halfmoon Water Company, Inc.** (1952 Halfmoon Valley Road, Port Matilda, PA

16870; Halfmoon Township, **Centre County**) for operation of the finished water storage tank and 240 feet of 8-inch distribution line.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 4**

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Re-

gional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

**Former American Insulator Site**, New Freedom Borough, **York County**. Franklin Center, Inc., c/o James R. Holley & Associates, Inc., 18 South George Street, York, PA 17410 submitted a final report concerning the remediation of site soils and groundwater contaminated with BTEX and PHCs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on November 2, 1998.

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

**Mahoning Hardward and Implement Company**, Borough of Punxsutawney, **Jefferson County**, 116-120 Indiana Street, submitted a final report concerning the remediation of soil contaminated with BTEX. The report was approved by the Department on November 3, 1998.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Responsible Office: Southcentral Regional Office, Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**Permit No. 100944. Lanchester Landfill, Chester County Solid Waste Authority** (7224 Division Highway, Narvon, PA 17555). Application for the use of processed construction and demolition waste material as an alternative daily cover for a site in Caernarvon and Honey Brook Townships, **Lancaster and Chester Counties**. Permit issued in the Regional Office October 29, 1998.

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

*Responsible Office: Southcentral Regional Office, Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.*

**Permit No. 603337. Leon Kline Farm, BFI, Conestoga Landfill**, Mineview Drive, P. O. Box ±18, Morgantown, PA 19543). This permit has been revoked at the applicant's request for a site in Upper Frankford Township, **Cumberland County**. Permit revoked in the Regional Office October 29, 1998.

**Permit No. 603285. Martin Greenleaf Farm, Wheelabrator Water Technologies, Inc., Bio Gro Division** (Eastern Region, 180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). The permit has been revoked at the applicant's request for a site in Colerain Township, **Lancaster County**. Permit revoked in the Regional Office November 2, 1998.

**Permit No. 603285. Peifer Brother Farm, Wheelabrator Water Technologies, Inc.**, (Bio Gro Divi-

sion, Eastern Region, 180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). The permit has been revoked at the applicant's request for a site in Oley Township, **Berks County**. Permit revoked in the Regional Office November 2, 1998.

**Permit No. 100944. Lanchester Landfill, Chester County Solid Waste Authority**, (P. O. Box 476, Honey Brook, PA 19344). This permit has been revoked at the applicant's request for a site in Caernarvon and Honeybrook Townships, **Lancaster County**. Permit revoked in the Regional Office October 27, 1998.

## AIR QUALITY

### OPERATING PERMITS

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

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

**GP5-12-01: CNG Transmission Corp.** (P. O. Box 2450, Clarksburg, WV 26302) issued October 7, 1998, to operate a 145 horsepower natural gas-fired reciprocating internal combustion engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at PA Tract 168 in Portage Township, **Cameron County**.

**GP4-18-02: Autoline Industries East, Inc.** (P. O. Box 210, McElhattan, PA 17748) issued October 9, 1998, to construct and operate a burnoff oven under the General Plan Approval and General Operating Permit for Burnoff Ovens (BAQ-GPA/GP-4) in Wayne Township, **Clinton County**.

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

**GP-42-076: Kane Manufacturing Corporation** (515 North Fraley Street, Kane, PA 16735) issued November 4, 1998, for the operation of a burn off oven in Kane, **McKean County**.

**GP-43-308: Ergon Trucking Incorporated** (944 New Castle-Mercer Road, Mercer, PA) issued November 4, 1998, for the construction and operation of three crude oil storage tanks in East Lackawannock Township, **Mercer County**.

**Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001-4015).**

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

**12-302-001A: Emporium Hardwoods, Inc.** (HC3, Box 1, Emporium, PA 15834) on October 6, 1998, for operation of a wood-fired boiler and associated air cleaning device (a multiclone) previously owned and operated by Mallory Lumber Corporation in Shippen Township, **Emporium County**.

**17-305-007B: River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847) on October 6, 1998, for operation of a bituminous coal processing facility including rotary breakers and associated equipment previously



owned and operated by River Hill Coal Company, Inc. in Karthaus Township, **Clearfield County**.

**17-306-001: Pennsylvania Electric Co., owner, and GPU Generation Inc., operator** (1001 Broad Street, Johnstown, PA 15907) on October 6, 1998, for operation of two bituminous coal-fired utility boilers (Units 1 and 2) and associated air cleaning devices (electrostatic precipitators) previously owned and operated by Pennsylvania Electric Company at the Shawville Generating Station in Bradford Township, **Clearfield County**.

**17-306-002B: Pennsylvania Electric Co., owner, and GPU Generation Inc., operator** (1001 Broad Street, Johnstown, PA 15907) on October 6, 1998, for operation of two bituminous coal-fired utility boilers (Units 3 and 4) and associated air cleaning devices (electrostatic precipitators) previously owned and operated by Pennsylvania Electric Company at the Shawville Generating Station in Bradford Township, **Clearfield County**.

**17-399-011: Pennsylvania Electric Co., owner, and GPU Generation Inc., operator** (1001 Broad Street, Johnstown, PA 15907) on October 6, 1998, for operation of an ash disposal facility previously owned and operated by Pennsylvania Electric Company in Bradford Township, **Clearfield County**.

**OP-59-0003: Pennsylvania Electric Co., owner, and GPU Generation Inc., operator** (1001 Broad Street, Johnstown, PA 15907) on October 6, 1998, for operation of a natural gas-fired combustion turbine and a #2 fuel oil-fired starting engine previously owned and operated by Pennsylvania Electric Company in Covington Township, **Tioga County**.

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

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

**08-399-003D: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on October 6, 1998, for operation of various pieces of ceramic powder processing and chemical pilot plant equipment and associated air cleaning devices (a fabric collector and a scrubber) in Departments 212 and 216, Building 15, in North Towanda Township, **Bradford County**.

**08-316-012A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) on October 6, 1998, for operation of a hardboard press (Line I Press) and associated air cleaning device (a venturi scrubber system) and a hardboard tempering operation (Line I) and associated air cleaning device (a regenerative thermal oxidizer) in Wysox Township, **Bradford County**.

**18-313-018B: Avery Dennison, Chemical Division** (R. D. 2, Box 70, Mill Hall, PA 17751) on October 26, 1998, for operation of various chemical reactors and associated chemical processing equipment and associated air cleaning devices (two thermal fume oxidizers) in Bald Eagle Township, **Clinton County**.

**OP-14-0002: Bellefonte Lime Co.** (P. O. Box 448, Bellefonte, PA 16823) on October 19, 1998, for operation of two rotary lime kilns (#4 and 5) and associated air cleaning devices (two scrubbers), a stone dryer and associated air cleaning device (a fabric collector), six

space heaters and one waste oil heater, all of which are subject to the Department's Reasonably Available Control Technology (RACT) regulations for nitrogen oxides emissions, at the Bellefonte Plant in Spring Township, **Centre County**.

**OP-49-0011: Fleetwood Motor Homes of Pennsylvania, Inc.** (P. O. Drawer 5, Paxinos, PA 17860) on October 30, 1998, for operation of various motor home manufacturing operations, all but one of which are subject to the Department's Reasonably Available Control Technology (RACT) regulations for volatile organic compounds, in Ralpho Township, **Northumberland County**.

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

**65-00844: Sterling Lebanon Packaging Corp.** (P. O. Box 768, Thomas Avenue and Lafferty St., Jeannette, PA 15644) issued November 11, 1998 for packaging manufacturing at Jeannette Plant in Jeannette, **Westmoreland County**.

**03-209A: Buffalo Limestone, Inc.** (R. R. 1, Box 198 A-1, Ford City, PA 16226) issued October 29, 1998 for portable limestone crushing at Stitt Mine at Kittanning Township, **Armstrong County**.

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

**PA-24-124B: PA Industrial Heat Treaters** (P. O. Box 348, St. Marys, PA 15857) issued October 30, 1998, for the operation of a continuous draw furnace no. 3 in Benzinger Township, **Elk County**.

**PLAN APPROVALS**

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

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

**35-303-011A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) issued on October 19, 1998, for modification of a batch asphalt plant at Dunham Drive, Dunmore Borough, **Lackawanna County**.

**40-317-019A: Hershey Chocolate, USA** (Humboldt Industrial Park, Scotch Pine Drive, P. O. Box 340, Hazleton, PA 18201) issued on October 19, 1998, for modification of a pan polishing operation in Hazle Township, **Luzerne County**.

**48-313-070B: Praxair Distribution, Inc.** (145 Shimersville Road, Bethlehem, PA 18015) issued on October 19, 1998, for modification of a gas collection system in Bethlehem, **Northampton County**.

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

**14-313-037: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) on October 2, 1998, for modification of an existing chemical process facility (Naxan ABL/AAL) by adding a xylene recovery operation in College Township, **Centre County**.

**OP-53-0009C: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512) on October 6, 1998, for

construction of a 3200 horsepower natural gas-fired reciprocating internal combustion engine at the Ellisburg Compressor Station in Allegany Township, **Potter County**.

**8-322-001B: Northern Tier Solid Waste Authority** (P. O. Box 10, Burlington, PA 18814-0010) on October 7, 1998, for construction of municipal solid waste landfill disposal areas (Cells 6, 7 and 8) and associated air cleaning device (a landfill gas extraction and collection system) in West Burlington Township, **Bradford County**.

**8-316-013A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848) on October 9, 1998, for modification of a hardboard press (Line II) to manufacture a new product, trimboard, in Wysox Township, **Bradford County**.

**55-303-003: Meckley's Limestone Products, Inc.** (R. D. 1, Box 950, Herndon, PA 17830) on October 20, 1998, for construction of a batch asphalt concrete plant and associated air cleaning device (a fabric collector) in Franklin Township, **Snyder County**. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

**PA-17-0001: Pennsylvania Electric Co., owner, and GPU Generation Inc., operator** (1001 Broad Street, Johnstown, PA 16907) on October 6, 1998, for implementation of Reasonably Available Control Technology (RACT) on various sources at an electric generation facility (Shawville Generating Station) previously owned and operated by Pennsylvania Electric Company in Bradford Township, **Clearfield County**.

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

**20-318-006B: Lord Corporation** (124 Grant Street, Cambridge Springs, PA 16403) issued October 16, 1998, for modification of spray lines in Cambridge Springs, **Crawford County**.

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

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

**06-1003B: Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612) granted October 30, 1998, to authorize temporary operation of the photoresist stripper line, under this Plan Approval until February 28, 1999, at the Reading Plant, in Muhlenberg Township, **Berks County**.

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

**04-307-099B: Shasta, Inc.** (300 9th Street, Monaca, PA 15061) issued November 6, 1998, for operation of swing grinder at Aliquippa Plant in Aliquippa Boro, **Beaver County**.

**65-137A: Allegheny Ludlum Corp.** (100 River Road, Brackenridge, PA 15014) issued November 3, 1998, for installation of sendzimer cold rolling mill at Vandergrift Plant in Vandergrift Boro, **Westmoreland County**.

**65-078A: Hempfield Foundries Company** (P. O. Box 69, Greensburg, PA 15601) issued November 3, 1998, for

installation of sand reclamation and shotblast in South-west Greensburg Boro, **Westmoreland County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Permits Issued

**03980103. Dutch Run Coal, Inc.** (A02-366, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous coal/sandstone and shale surface/auger mining site located in Plumcreek Township, **Armstrong County**, affecting 42.1 acres. Receiving streams: unnamed tributaries to Plumcreek. Application received: June 16, 1998. Permit issued: November 3, 1998.

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

**17753050. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), major permit revision for a Change in Permit Acreage from 727.6 to 642.8 acres, Karthaus Township, **Clearfield County**, receiving streams: Saltlick Run and unnamed tributaries to Saltlick Run. Application received October 8, 1998. Permit issued October 30, 1998.

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

#### Noncoal Permits Issued

**25820301. Frank Tucci** (R. D. 2, Cambridge Springs, PA 16403). Renewal of the existing NPDES No. PA0604208 in McKean Township, **Erie County**. Receiving streams: Unnamed tributary of Elk Creek. Application received: September 11, 1998. Permit Issued: October 30, 1998.

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

**8275SM1C. Prospect Aggregates, Inc.** (P. O. Box 7, East Petersburg, PA 17520), correction to an existing quarry operation in West Hempfield Township, **Lancaster County** affecting 59.2 acres, receiving stream—unnamed tributary to Chickies Creek. Correction issued November 5, 1998.

### ABANDONED MINE RECLAMATION

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

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**Bond Forfeiture Contract Awarded: BF 425-101.1.**  
*Location: Goshen Township, Clearfield County. Descrip-*

tion: AMLR, Mine Drainage Permit No. 4578BC6, Goshen Township, Clearfield County. *Contractor:* Earthmover's Unlimited, Inc. *Amount:* \$13,423. *Date of Award:* August 27, 1998.

**Bond Forfeiture Contract Awarded: BF 341-102.1.**  
*Location:* Newport Township, Luzerne County. *Description:* AMLR Project, North American Mining, Inc., Newport Township, Luzerne County. *Contractor:* James T. O'Hara, Inc. *Amount:* \$257,239. *Date of Award:* July 9, 1998.

**Bond Forfeiture Contract Awarded: BF 386-101.1.**  
*Location:* Eau Claire Borough, Butler County. *Description:* Acid Mine Drainage Treatment Project, Pengrove Coal-Hortert Site, Eau Claire Borough, Butler County. *Contractor:* Joseph C. Puryear Trucking and Excavating. *Amount:* \$97,014.79. *Date of Award:* August 13, 1998.

**Bond Forfeiture Contract Awarded: BF420-101.1.**  
*Location:* Murrysville Borough, Westmoreland County. *Description:* AMLR Project, Frank Kowalski, Murrysville Borough, Westmoreland County. *Contractor:* Utilities Forestry Services, Inc. *Amount:* \$266,898. *Date of Award:* August 28, 1998.

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

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (*Note:* Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E15-579.** Encroachment Permit. **Tredyffrin Township**, 1100 Duportail Road, Berwyn, PA 19312 and

**PennDOT**, 200 Radnor Chester Road, St. Davids, PA 19087. To extend Chesterbrook Boulevard (T-843) from U. S. Route 202 southeast to Swedesford Road (S. R. 0252), opposite Cassatt Road (S. R. 1007), and to provide full access to the Chesterbrook Interchange by constructing a new southbound U. S. Route 202 on-ramp and a new northbound U. S. Route 202 off-ramp (Valley Forge, PA Quadrangle N: 11.4 inches; W: 12.3 inches) in Tredyffrin Township, **Chester County**.

Work consists of:

(1) To elongate the existing 6-foot by 6-foot box culvert stream enclosure in and along an unnamed tributary to Little Valley Creek situated beneath SR 0202 at station 607+50 by installing a 17-foot extension at the downstream end for the new southbound on-ramp, and installing a 20 foot extension at the upstream end for the new northbound off-ramp. Work will also include a channel relocation of approximately 120 linear feet at the upstream end of the extended stream enclosure. The proposed activities will impact 0.09 acre of associated wetlands (PEM/SS/FO).

(2) To construct and maintain 180 linear feet of 8-foot by 5-foot reinforced concrete box culvert stream enclosure in and along an unnamed tributary to Little Valley Creek beneath the proposed Chesterbrook Boulevard, and near the intersection of Cassatt Road and Swedesford Road. Work also includes the replacement and maintenance of a headwall for four existing culverts (93-inch × 64-inch arch pipe, 53-inch × 41-inch arch pipe, 36-inch R.C.P. and 24-inch R.C.P.) incorporated into a junction chamber at Swedesford Road. The proposed junction chamber will connect the upstream end of the elongated stream enclosure to the four existing culverts. This work will impact 0.08 acre of associated wetlands (PEM/SS/FO). The permittee has made a contribution to the wetland replacement fund to compensate for the 0.17 acre of wetland impact.

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

**E40-498.** Encroachment. **Leeds Property Management and Allied Services**, 506 Meadow Lane, Exton, PA 19341. To construct and maintain a stream enclosure of Coal Brook, consisting of approximately 245 linear feet of 11.4-foot by 7.25-foot corrugated aluminized steel pipe arch culvert, for the purpose of providing an access drive and parking for the Allied Services and Leeds properties. The project is located at 142 Mundy Street, approximately 300 feet east of the intersection of Mundy Street and Spring Street (Wilkes-Barre East, PA Quadrangle N: 22.0 inches; W: 14.5 inches), in Wilkes-Barre Township, **Luzerne County**.

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

**E67-626.** Encroachment. **Joseph Bene**, 60 Crestwood Lane, York, PA 17402. To place 260 linear feet of fill in the floodway of an unnamed tributary to Mill Creek for the purpose of flood control for new medical offices located between Memory Lane and Pleasant Valley Road (York, PA Quadrangle N: 20.3 inches; W: 8.3 inches) in Springettsbury Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E17-322.** Encroachment. **Pa. Dept. of Transportation**, 1924—30 Daisy St., Clearfield, PA 16830. To remove an existing superstructure and to construct and maintain a single span prestressed concrete spread box beam with a concrete deck and sidewalks on the left and right sides to be placed on top of existing abutments with a normal clear span of 54 feet 1 inch and a minimum underclearance of 5 feet across Moose Creek located immediately south of the intersection of SR 1050 (Maple Avenue) and Moose Street (Clearfield, PA Quadrangle N: 6.0 inches; W: 9.3 inches) in Lawrence Township, **Clearfield County**. Estimated stream disturbance is 56 linear feet; stream classification is Cold Water Fishery. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-323.** Encroachment. **APEX Machine & Hydraulic Inc.**, 511 Brisbin St., Houtzdale, PA 16651. To expand an existing commercial facility and associated parking facilities and to restore 0.08 acre of PEM wetlands filled without authorization. The project is located on the south side of SR 0322 approximately 1.9 miles west of the SR 0053 intersection in Decatur Township, Clearfield County (Wallaceton, PA Quadrangle N: 8.3; W: 1.1) in Decatur Township, **Clearfield County**.

**E18-258.** Encroachment. **Northern Central Bank**, 102 West Fourth St., Williamsport, PA 17701. To construct, operate and maintain 120 square feet of expansion and 266.75 cubic yards of associated fill to an existing commercial facility in the floodway of Fishing Creek. The construction work shall consist of placing 0.5 feet of fill across 0.33 acre and constructing the expansion to the existing commercial building that is located along the eastern right-of-way of SR 0150 at the intersection of Country Club Lane and SR 0150 (Mill Hall, PA Quadrangle N: 20.7 inches; W: 14.8 inches) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects."

**E59-377.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. To remove an existing single structure and to construct, operate and maintain a single span prestressed concrete spread box beam bridge to carry SR 4017, Section 013 Segment/Offset 0070-0000 across Losey Creek. The bridge shall be constructed with a clear normal span of 28.33-feet. The average underclearance of each span shall be a minimum of 7.4 feet. The bridge shall be constructed at a skew of 45-degrees. The proposed bridge is located along the eastern right-of-way of SR 0249 approximately 1.04 miles west of the intersection of SR 4017 and SR 0249 (Keeneyville, PA Quadrangle N: 22.7 inches; W: 10.4 inches) in Middlebury Township, **Tioga County**. This permit also authorizes the construction and operation of a temporary crossing; upon completion of the bridge construction, the temporary crossing shall be removed and the area fully restored to original contours and elevations.

## WATER ALLOCATIONS

**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.**

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

**WA-09-1001.** Water Allocation. **Warwick Township Water and Sewer Authority**, 1733 Township Green, Jamison, PA 18925 has been granted the right to purchase 1.2 million gallons per day, based on a 30-day average, from the Philadelphia Suburban Water Company in Warwick Township, **Bucks County**. *Type of Facility: Public Water Supply System. Consulting Engineer: Boucher and James, Inc., 127 South Fifth Street, Suite 300, Quakertown, PA 18957. Permit Issued: October 27, 1998.*

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## SPECIAL NOTICES

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### Notice of Settlement Under the Hazardous Sites Cleanup Act Gettysburg Foundry Site Cumberland Township, Adams County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a proposed consent order and agreement (COA) with C. M. Metals, Inc. regarding the remediation of the Gettysburg Foundry Site (Site). The Site is located at 2664 Emmitsburg Road, Gettysburg, PA 17325 in Cumberland Township, Adams County, PA. The 21-acre site is located in a rural area about 4 miles south of the town of Gettysburg.

From 1957 until 1997, Gettysburg Foundry Specialties Company (GFSC) manufactured aluminum castings and was classified as a secondary aluminum smelting plant. Among other things, GFSC recycled aluminum to produce aluminum ingots. During the process of melting aluminum recyclable materials in the furnace at the facility, combined pieces of dirt, steel and aluminum rose to the surface of the melted material. This "dross" was skimmed off and sent to another part of the plant for handling. At that time, magnets removed the steel and the rest of the material was screened to remove the dirt and dust from the aluminum. The aluminum was sent back to the furnace and the dirt and dust (referred to as aluminum dross fine waste) was set aside for disposal. In addition to the aluminum dross fine waste, GFSC's air pollution control system generated baghouse dust. Much of the waste was stored on the site in two onsite pits and in buildings. The company filed for Chapter 11 bankruptcy in February 1996. The plant ceased operations on March 13, 1997.

Because of the threat to human health and the environment posed by the GFSC site, the Department undertook two Prompt Interim Responses at the site. The first was conducted in August 1997. Under this response, the site was secured by repairing an existing fence around the facility and piles of dross waste, which were exposed to the elements, were moved into the Foundry Building. The second response, begun in May 1998, provided for the removal of 676 drums of waste and the aboveground waste stored at the site. The Department has removed the drummed waste.

On November 4, 1998, the Department and C. M. Metals entered into the proposed consent order and agreement. Under the terms of the COA, C. M. Metals will implement the remaining portions of the second prompt interim response Statement of Decision (SOD), including the removal of the remaining aboveground waste, will implement the final remedial SOD as it

relates to waste in the pits and contaminated soil and groundwater, and will reimburse the Department \$25,000 for its response costs at the GFSC site.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed consent order and agreement that contains the specific terms of the settlement is available for public review and comment. The proposed consent order and agreement can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by January 20, 1999, by submitting them to Barbara Faletti at the above address.

[Pa.B. Doc. No. 98-1910. Filed for public inspection November 20, 1998, 9:00 a.m.]

### Availability of Technical Guidance

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

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

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

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Technical Guidance—Minor Revision*

DEP ID: 381-5511-014 Title: Guidance on Utilization of Minority and Women's Business Enterprise Firms Description: This guidance document will apply to all recipients of loan funds under the Clean Water and Drinking Water State Revolving Fund programs. Page Length: 38

pages Location: Volume 27 Tab 53 Effective Date: December 1, 1997 Contact: Trudy Troutman at (717) 783-3795.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1911. Filed for public inspection November 20, 1998, 9:00 a.m.]

### Low-Level Waste Advisory Committee

The date for the next meeting of the Department of Environmental Protection's Low-Level Waste Advisory Committee (LLWAC) is December 10, 1998. The meeting will begin at 9 a.m., and end at 2 p.m. at the Rachel Carson State Office Building, EQB Room # 105—First Floor.

Questions concerning the meeting should be addressed to Rich Janati at 1 (800) 232-2786 or e-mail at [janati.rich@al.dep.state.pa.us](mailto:janati.rich@al.dep.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marianne Hansen directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-1912. Filed for public inspection November 20, 1998, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Entrepreneurial Assistance to Persons With Severe Disabilities Served Through the Washington District Office, PA Office of Vocational Rehabilitation

The Department of Labor and Industry (Department), Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973 as amended in 1986 (P. L. 99-506), announces that competing applications to provide entrepreneurial assistance to persons with severe disabilities served through the Washington District Office, OVR will be accepted. This competition is authorized under section 301 of the Rehabilitation Act of 1973, as amended.

Funding for these projects is provided under the auspices of the Pennsylvania State Board of Vocational Rehabilitation and the Office of Vocational Rehabilitation, which will serve as administrator and fiscal agent for grants awarded under this announced competition.

This competition will provide multi-year funding for up to 2 years. OVR will entertain applications which propose to provide Entrepreneurial Assistance to persons with severe disabilities residing in the counties served by OVR's Washington District Office which include Washington, Greene and Fayette Counties. The assistance will be in the form of comprehensive evaluation, training and technical assistance specific to each person's needs and abilities, enabling qualified persons with severe disabilities to become entrepreneurs, establishing and operating their own businesses.

#### *Application Information*

Applications received by close of business 5 p.m., Wednesday, January 20, 1999, which are complete and

conform to established specifications will be accepted for review. Applications submitted after that date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose. One grant will be awarded through this competition contingent upon the availability of funds and the receipt of acceptable applications. Grants will be awarded by April 1, 1999. The final award made through this competition is subject to the approval of the Executive Director, Pennsylvania Office of Vocational Rehabilitation.

Eligible applicants are not-for-profit, private business development services or entities, government agencies or postsecondary educational institutions. If the applicant is other than a postsecondary educational institution, it must assure the ongoing presence and participation of a postsecondary educational institution's School of Business, Entrepreneurial Program or Service or other comparable disciplines.

An applicant must demonstrate an understanding of the economy, market characteristics and market potential in the three county target area. While not required, it is preferred the grantee will have the flexibility to situate the desired service in at least two locations within the target area, specifically, in the Monongahela River Valley and northern Washington County.

An applicant must demonstrate a minimum of 3 years experience in entrepreneurial assistance services of the type required.

The original and one copy of the application narrative, along with the original and one copy of the Project Budget contained in a separate, sealed envelope must be received at the following address by the application deadline noted previously: Office of Vocational Rehabilitation, Infrastructure Services Section, 1320 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, Attention: Raymond L. Walker, Supervisor.

No reference may be made to the amount of funds requested, or other budgetary information, in the application narrative.

Four copies of the completed application narrative only must be submitted to the Washington OVR District Office at the following address: Office of Vocational Rehabilitation, Washington District Office, 201 West Wheeling Street, Washington, PA 15301, Attention: Donald Angelone, District Administrator, (724) 223-4430 (Voice/TDD).

No budget information may be sent to the Washington District Office.

#### *Service Information*

For purposes of this competition, Entrepreneurial Assistance to Persons with Severe Disabilities will encompass services delivered by successful applicant, as follows:

- Evaluate consumers' potential to participate in and benefit from customized entrepreneurial training, technical assistance and follow-up support.
- Instruct consumers in feasibility analysis, market analysis, longitudinal planning, financial planning and business development.
- Provide technical assistance service enabling participating OVR consumers to identify and access needed financial, production and operation resources.

- Develop and implement a long range plan of oversight and support following consumers' progress from the date of business-start forward, for a period of no less than 12 months.

#### *Commitment to Enhance Socially/Economically Restricted Business (SERB)*

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by SERBs in response to this Request for Proposal.

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as a selection criterion in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD) in the Department of General Services will evaluate the aforementioned criterion and assign a point value to be considered within the overall RFP total point tabulation.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claims.

SERBs are businesses whose economic growth and development have been restricted based on social and economic bias. The businesses are BCABD-certified minority- and women-owned businesses and certain restricted businesses whose development has been impeded because their primary or headquarters facilities are physically located in areas designated by the Commonwealth as being in enterprise zones. A business will not be considered socially/economically restricted if one of the following conditions exists:

1. The business has gross revenues exceeding \$4 million annually.
2. The concentration of an industry is such that more than 50% of the market is controlled by the same type of SERB (Minority Business Enterprise [MBE] or Women Business Enterprise [WBE]).

Proposers not considered to be socially/economically restricted businesses seeking to identify businesses for joint venture and subcontracting opportunities are encouraged to contact: Department of General Services, Bureau of Contract Administration and Business Development, Room 502, North Office Building, Harrisburg, PA 17125, (717) 787-7380, fax (717) 787-7052.

#### *Application Material/Questions*

The complete application package containing a detailed Request for Proposal and Guidelines for application, is available by writing to the following address: Office of Vocational Rehabilitation, Infrastructure Services Section, 1320 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, Attention: Raymond L. Walker, Supervisor.

Applications may also be obtained by contacting Jacqueline Lucas at (717) 787-7016, TDD: (717) 783-8917 or by requesting them by e-mail addressed to [jlucas@dli.state.pa.us](mailto:jlucas@dli.state.pa.us).

Questions related to this announcement should be directed to Jacqueline Lucas at the above address and telephone number.

#### *Preproposal Conference*

A preproposal conference to deal specifically with technical questions regarding the application will be held for prospective applicants on Wednesday, December 2, 1998,

beginning at 1 p.m. at: Office of Vocational Rehabilitation, Washington District Office, 201 West Wheeling Street, Washington, PA 15301, Attention: Donald Angelone, District Administrator, (724) 223-4430 (Voice/TDD).

Persons expecting to attend should advise Donald Angelone, in advance, of any special considerations/accommodations that may be required for them to fully participate in the preproposal conference. Reserved, handicapped parking is available, but limited. It is imperative that persons needing such parking notify Donald Angelone as soon as possible.

Persons needing directions to the Washington OVR District Office may call the Washington District Office's toll-free telephone number (800) 634-2060 (within PA) TDD: (724) 223-4430.

JOHNNY J. BUTLER,  
Secretary

[Pa.B. Doc. No. 98-1913. Filed for public inspection November 20, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Ground Hog Day '99 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Ground Hog Day '99.
2. *Price:* The price of a Pennsylvania Ground Hog Day '99 instant lottery game ticket is \$1.00.
3. *Play Symbols:* Each Pennsylvania Ground Hog Day '99 instant lottery game ticket will contain one play area featuring one "Lucky Symbol" area and one "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Money Bag Symbol (MNYBAG), Sun Symbol (SUN), Moon Symbol (MOON), Sunglasses Symbol (SHADES), Snowflake Symbol (SNOW), Shovel Symbol (SHOVEL), Cloud Symbol (CLOUD), Kite Symbol (KITE) and Umbrella Symbol (UMBREL).
4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$4<sup>.00</sup> (FOR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY) and \$500 (FIV HUN).
5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$50 and \$500. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,080,000 tickets will be printed for the Pennsylvania Ground Hog Day '99 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$50\$ (FIFTY) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(c) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(e) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$4<sup>.00</sup> (FOR DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(g) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears in the "Prize" area under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

<i>Match Any Of Your Symbols To The Lucky Symbol With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,080,000 Tickets</i>
\$1	\$1	1:8.33	489,600
\$2	\$2	1:18.75	217,600
\$1 x 5	\$5	1:42.86	95,200

*Match Any Of Your Symbols  
To The Lucky Symbol With  
Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,080,000 Tickets</i>
\$2 x 2 + \$1	\$5	1:100	40,800
\$5	\$5	1:375	10,880
\$2 x 5	\$10	1:375	10,880
\$5 x 2	\$10	1:375	10,880
\$2 x 2 + \$5 + 1	\$10	1:375	10,880
\$10	\$10	1:375	10,880
\$10 x 2	\$20	1:1,500	2,720
\$4 x 5	\$20	1:1,500	2,720
\$5 x 4	\$20	1:1,500	2,720
\$20	\$20	1:1,500	2,720
\$10 x 5	\$50	1:12,000	340
\$50	\$50	1:12,000	340
\$20 x 5	\$100	1:12,000	340
\$500	\$500	1:40,000	102

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Ground Hog Day '99 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Ground Hog Day '99, prize money from winning Pennsylvania Ground Hog Day '99 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Ground Hog Day '99 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Ground Hog Day '99 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 98-1914. Filed for public inspection November 20, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Berks, Carbon, Lehigh, Monroe, Northampton and  
Schuylkill Counties  
Project Reference No. 08430AG2263**

The Department of Transportation will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff, under the Depart-

ment's Inspector(s)-in-Charge, to perform construction inspection services on various projects in Engineering District 5-0, that is Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, signing, pavement markings, traffic signals, erosion and sedimentation control and bridge painting.
- c. Understanding the Department's requirements, policies, and specifications.
- d. Past performance.
- e. Number of available inspectors in each payroll classification.
- f. Number of NICET certified inspectors in each payroll classification.
- g. Workload.

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

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



<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	6 (4)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

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

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

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; at least two (2) inspectors

listed are to be nuclear gauge certified and one (1) to be C.D.S. certified; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment, if required, at no direct cost to the Department:

2	Nuclear Densometer Gauges/License
1	Paint Test Kit
1	Vehicle for the Transportation of Nuclear Gauges
1	Base Radio Station
6	Two-Way Radios
1	Two-Way Radio Repeater Station
1	Camera (type 35mm)

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	8
TCI	15

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Walter E. Bortree, P.E., District Engineer, District 5-0, Parkwood Building, 2460 Parkwood Drive, Allentown, PA 18103, Attention: Mr. Brian H. Graver.

Any technical questions concerning the requirements for this project should be directed to: Mr. Brian H. Graver, District 5-0, at (610) 791-6022.

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

**Perry County**

**Project Reference No. 08430AG2264**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately thirteen (13) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services for S.R. 0011, Section 008, Perry County, U.S. 11/15. This project involves reconstruction and widening the existing roadway and structures to 48 feet and drainage and guide rail improvements.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Number of available inspectors in each payroll classification.

c. Number of N.E.C.E.P.T. certified inspectors, as indicated in the scope of work.

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

e. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of traffic, soils, structures, concrete, asphalt paving, drainage, construction documentation procedures and "CDS" operations.

f. Understanding of Department's requirements, policies, and specifications.

g. Past performance.

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

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

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

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

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI-Materials)	\$35.51
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

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

The firm selected will be required to supply the following equipment at no direct cost to the Department:

1	Nuclear Densometer Gauge/License
1	Vehicle for the Transportation of Nuclear Gauge
* 14	Cellular Phones
2	Camera (type 35mm)

\* Due to local terrain, may be substituted with 14 two-way radios and 1 two-way radio base station as determined by the District at the time of the scope of work meeting.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	5
TCI-M	2
TCI	5

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Barry G. Hoffman, P.E., District Engineer, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Any technical questions concerning the requirements for this project should be directed to: Mr. Richard K. Waddell, District 8-0, at (717) 787-5054.

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

### Statewide

#### Project Reference No. 08430AG2265

The Department of Transportation will retain two (2) photogrammetric mapping firms for Open-End Contracts with the ability to perform all photogrammetric services. Each Open-End Contract will be for a period of sixty (60) months at a maximum cost of \$1.0 million each. The work will be performed on a Statewide basis by specific projects as determined by the Department. The items of work to be performed on each project may vary as the project dictates.

Services requested may include, but are not limited to the following:

- \* Vertical and oblique aerial photography acquisition, using a variety of aircraft
- \* Airborne GPS
- \* Scanning of aerial film
- \* Geodetic mapping control surveys
- \* Global Positioning System (GPS) surveys
- \* Analytical aero-triangulation
- \* Digital map compilation
- \* Digital orthophotography
- \* Digital terrain models
- \* Archive files on to electronic media

All work must be performed in accordance with the requirements of the applicable sections of the Department's "Surveying and Mapping Manual", Publication 122M, January 1995 edition. The geodetic surveying and photogrammetric mapping must be performed under the direct supervision of a licensed Pennsylvania Professional Land Surveyor. It is also recommended that a Certified Photogrammetrist (ASPRS) be part of the firms full-time staff working in the photogrammetry section.

Firms submitting a letter of interest for this work should have prior experience in geodetic surveys and large-scale photogrammetric mapping for highway design in metric and/or english units. Digital mapping should be compiled directly into CADD using analytical stereo plotters or softcopy workstations with the ability to convert the digital data into a variety of formats. In addition to current state-of-the-art surveying equipment and photogrammetric systems, firms should have sufficient qualified personnel to complete large assignments with short delivery schedules.

Five (5) firms will be ranked for the purpose of negotiating two (2) Open-End Contracts. The ranking order will be based on the Department's evaluation of the acceptable letters of interest. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The Department has established the following factors to evaluate the firms that submitted acceptable letters of interest. The factors are listed in order of importance:

- a. Specialized experience and technical competence of firm.

- b. Past record of performance with respect to cost control, work quality, and available staff to meet schedules.

- c. The specific experience on in-house staff and professional qualifications shall be considered.

- d. Quality assurance/quality control criteria established for checking all work tasks. Specialized photogrammetric systems and surveying equipment.

- e. Previous experience on Open-End Contracts.

- f. Relative size of firm to size of projects that may be completed under this Contract.

- g. Current Workload.

- h. Location of Consultant.

Any technical questions concerning the requirements for this project should be directed to L. Bradley Foltz, P.L.S., Photogrammetry & Surveys Division, at (717) 783-1518, ext. 3002.

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

### General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief  
 Consultant Selection Committee  
 7th Floor, Forum Place  
 555 Walnut Street  
 P. O. Box 3060  
 Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from

being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

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

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The Department requests that each Letter of Interest include the following information and that the information be packaged and presented in the order indicated below to facilitate the Department's review and evaluation.

The firm's ability and willingness to package and present the requested information in the above order to facilitate the Department's review and evaluation will be the first factor considered in the evaluation process.

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

2. A fact sheet that includes the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant should indicate on this fact sheet the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm. If the project advertisement indicated the Department will retain an Land Surveying firm for the project, the applicant should indicate on this fact sheet the names and Professional Land Surveyor Registration Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's land surveying activities, and whose names and seals shall be stamped on all plans, plats, and reports issued by the firm.

3. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 should be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B should specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant should not include more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, should accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

These Forms should be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Standard Form 255.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Standard Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary should indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate

how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

Letters of Interest will be rejected for the following reasons:

1. Received after the cut-off time and date specified above.
2. Failure to identify a Department Certified Disadvantaged Business Enterprise (DBE) if a DBE participation goal is identified in the advertised project.
3. Failure to include a copy of the registration to do business in the Commonwealth, if applicable.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-1915. Filed for public inspection November 20, 1998, 9:00 a.m.]

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## FISH AND BOAT COMMISSION

### Additional Restrictions on Fish and Boat Commission Property

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 53.18, has established the following additional restrictions for Fish and Boat Commission property. These restrictions shall remain in effect until further notice.

<i>County</i>	<i>Area</i>	<i>Additional Restrictions</i>
Philadelphia	Frankford Access Area	Closed to all use from 5 p.m. to 8 a.m. from December 1 to April 1.
Philadelphia	Tacony Access Area	Closed from December 1 to April 1.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 98-1916. Filed for public inspection November 20, 1998, 9:00 a.m.]

### Advance Notice of Proposed Rulemaking; Creel Limit for Trout

The Fish and Boat Commission (Commission) is publishing this advance notice of proposed rulemaking to invite interested persons to provide comments on a proposal to reduce the Statewide daily creel limit of trout from eight to five during the regular season. This proposal would not apply to the Conowingo Reservoir, the Delaware River or Lake Erie and its tributaries.

The proposal to reduce the creel limit by three per day is based on social and policy perceptions and issues. From a resource-based fisheries management perspective, there will be no distinct impacts from reducing the creel limit from eight to five. This change, however, may affect public perceptions about the value of these fish and the appropriate number of fish to be taken each day.

Interested persons are invited to submit written comments, objections or suggestions to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on or before January 19, 1999. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 98-1917. Filed for public inspection November 20, 1998, 9:00 a.m.]

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### Closure of Fords Lake, Lackawanna County

The Fish and Boat Commission (Commission) will temporarily close Fords Lake to all public access and use beginning at 12:01 a.m. on December 1, 1998. Fords Lake, a 73-acre lake, is located 3 miles west of Clarks Summit in Lackawanna County.

The Commission is closing Fords Lake to public use so that it may draw down the lake. The draw down is needed to facilitate repairs to the dam. The Commission intends to lower the lake slowly, a maximum of 6 inches at a time.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 98-1918. Filed for public inspection November 20, 1998, 9:00 a.m.]

### Designations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) is designating the following waters as subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 1999:

#### § 65.2. Delayed Harvest Fly-Fishing Only Areas.

The following waters are designated to be regulated and managed as Delayed Harvest Fly-Fishing Only Areas and are added to the list of waters subject to these regulations.

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Potter	Kettle Creek	Section from 500 feet downstream of S.R. 144 Bridge upstream 1.7 miles

The following waters are deleted from the list of "Delayed Harvest Fly-Fishing Only Areas" designated under § 65.2:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Elk	Big Mill Creek	1.0 mile section from the 1461 bridge downstream to Ridgway Reservoir

#### § 65.4a. All-Tackle Trophy Trout.

The following waters are designated to be regulated and managed under the All-Tackle Trophy Trout Program and are added to the list of waters subject to these regulations.

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Fayette and Somerset	Youghiogheny River	3.5 mile section from the confluence with Ramcat Run downstream to the pipeline crossing at the confluence with Lick Run

#### § 65.4b. All-Tackle Selective Harvest Program.

The following waters are designated to be regulated and managed under the All-Tackle Selective Harvest Program and are added to the list of waters subject to these regulations.

<i>County</i>	<i>Water</i>	<i>Description</i>
Cameron	Hunts Run	From the confluence with McNuff Branch downstream to the mouth, a distance of 4.7 miles.
Potter	Sinnemahoning Creek East Fork	From the confluence with Wild Boy Run downstream to the confluence with Camp Run, a distance of 2.9 miles.
Union	Cherry Run	From the mouth upstream, a distance of 2.7 miles.
Westmoreland	Camp Run	From the headwaters downstream to the mouth a distance of 4.1 miles.

#### § 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.

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Chester	East Branch Brandywine Creek	1.2 mile section from the Dorlans Mill Road downstream to Forge Road
Elk	Big Mill Creek	1.5 mile section from the confluence with Rocky Run downstream to 0.3 mile downstream of the S.R. 1461 bridge
Elk	East Branch Clarion River	1.15 mile section from 100 yards downstream of the outflow of the East Branch Clarion River Lake downstream for a distance of 1.15 miles
Fayette	Meadow Run	1.7 mile section from the confluence with Laurel Run downstream to the SR 0381 bridge
Fulton	Cove Creek	1.0 mile section from 200 yards downstream of the SR 0928 bridge downstream to the lower Buchanan State Forest boundary
Juniata and Mifflin	East Licking Creek	4.0 mile section from the Texas Eastern gas pipeline crossing downstream to the upstream boundary of the Karl B. Guss State Forest picnic area
Luzerne	Harveys Creek	1.5 mile section from Pavlick Road (T- 497) upstream to Jackson Road (T-812)
Venango	Oil Creek	1.0 mile section from the two green posts near the Drake Well Museum downstream to the Oil Creek State Park hiking trail bridge

The following waters are removed from the list of Delayed Harvest Artificial Lures Only Program designated under § 65.6:

County	Water on which located	Description
Potter	Kettle Creek	Section from 500 feet downstream of S.R. 144 Bridge upstream 1.7 miles

**§ 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 § 65.8:

County	Water
Washington	Cross Creek Lake

**§ 65.9. Big Bass Special Regulations.**

The following lakes 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.

County	Water
Chester	Chambers Lake
Washington	Cross Creek Lake

**§ 65.11. Panfish Enhancement Special Regulation.**

The following lakes are designated to be regulated and managed under the Panfish Enhancement Special Regulation and are added to the list of waters subject to this regulation.

County	Water
Centre	J.F. Sayers Lake
Chester	Chambers Lake (new lake to open in 1999)
Montour	Lake Chillisquaque

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 98-1919. Filed for public inspection November 20, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, November 5, 1998, and took the following actions:

*Regulations Approved:*

Environmental Quality Board #7-330: New Motor Vehicle Emissions Control Program (NMVECP) (amends 25 Pa. Code Chapters 121 and 126).

Department of Revenue #15-397: Single Factor Apportionment (amends 61 Pa. Code Chapters 155 and 170).

State Board of Auctioneer Examiners #16A-642: Biennial Renewal Fees (amends 49 Pa. Code §§ 1.23 and 1.25 and adds § 1.41).

Department of Conservation and Natural Resources #7B-1: State Forests (amends 17 Pa. Code Chapter 21).

*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
November 5, 1998

*Environmental Quality Board—New Motor Vehicle Emissions Control Program (NMVECP); Regulation No. 7-330*

### Order

On November 13, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121 and 126. The authority for this regulation is contained in 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)). The proposed regulation was published in the November 29, 1997 edition of the *Pennsylvania Bulletin*, with a 75-day public comment period. The final-form regulation was submitted to the Commission on October 5, 1998.

The EQB has proposed a new motor vehicle emissions control program to reduce the emissions of nitrogen oxide and volatile organic compounds in Pennsylvania. These final rules will require automobile manufacturers to meet specific tailpipe standards for new automobiles and trucks weighing less than 6,000 pounds. This regulation is in response to Federal Clean Air Act requirements.

The Environmental Protection Agency has approved the National Low Emission Vehicle (NLEV) program as a voluntary alternative to the emission standards of the California Low Emission Vehicle Program. This rulemaking implements the provisions of the NLEV program for Pennsylvania. If NLEV ceases to be effective or an automobile manufacturer opts out of the NLEV program, the standards of the backup Pennsylvania Clean Vehicles Program would apply.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary to help Pennsylvania improve its air quality by reducing ozone pollution and to meet Federal Clean Air Act requirements.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-330 from the Environmental Quality Board, as submitted to the Commission on October 5, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
November 5, 1998

*Department of Revenue—Single Factor Apportionment;  
Regulation No. 15-397*

### Order

On January 13, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapters 155 and 170. The authority for this regulation is sections 408 and 603 of the Tax Reform Code (72 P. S. §§ 7408 and 7603). The proposed regulation was published in the January 24, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 7, 1998.

The Department of Revenue (Department) is amending Chapter 155, Capital Stock and Foreign Franchise Tax (Tax), to add an exemption to section 155.10 (Single factor apportionment). The proposal also repeals a November 1997 Statement of Policy (SOP) to exempt student loan assets.

Student loan assets owned or held by a trust or other entity for the securitization of student loans will be exempt from the Tax. Exemptions include: student loan notes; Federal, State or private subsidies or guarantees; instruments that represent a guarantee of debt, certificates or other securities; contract rights to acquire or dispose of student loans and interest rate swap agreements; interest in or debt obligations of other student loan securitization trusts or entities; and cash or cash equivalents representing reserve funds or payments on notes or securities.

We have reviewed this regulation and find it to be in the public interest. This amendment codifies the change made by Act 45 of 1998. The Department anticipates the business trust Tax exemption will maintain or increase the availability of financing for student loans.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-397 from the Department of Revenue, as submitted to the Commission on October 7, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
November 5, 1998

*State Board of Auctioneer Examiners—Biennial Renewal Fees; Regulation No. 16A-642*

### Order

On March 17, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Auctioneer Examiners (Board). This rulemaking amends 49 Pa. Code §§ 1.23 and 1.25 and adds § 1.41. The authority for this regulation is found in 63 P. S. § 734.6. The proposed regulation was published in the March 28, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 6, 1998.

The Board is increasing the biennial licensure renewal fees for apprentice auctioneers, auctioneers, auction companies and auction houses. Existing fees range from \$30 to \$50. The revised fees range from \$100 to \$200.

We have reviewed this regulation and find it to be in the public interest. The revised fees will provide the Board with adequate funds to eliminate its deficit and cover its operating expenses. With the implementation of the revised fees, the Board anticipates that it will not have to increase fees for at least three biennial periods.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-642 from the State Board of Auctioneer Examiners, as submitted to the Commission on October 6, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
November 5, 1998

*Department of Conservation and Natural Resources—  
State Forests; Regulation No. 7B-1*

### Order

On September 2, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Conservation and Natural Resources (Department). This rulemaking amends 17 Pa. Code Chapter 21. The authority for this regulation is 71 P. S. § 1340.313. The proposed regulation was published in the September 13, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 5, 1998.

We have reviewed this regulation and find it to be in the public interest. The amendments update a broad range of provisions that are more than 25 years old. The Department states that recreational and commercial use of State forest land has increased dramatically in that time period. In addition, the Department has made many amendments to the language of the regulation to make it clearer.

*Therefore, It Is Ordered That:*

1. Regulation No. 7B-1 from the Department of Conservation and Natural Resources, as submitted to the Commission on October 5, 1998, 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. 98-1920. Filed for public inspection November 20, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Donegal Mutual Insurance Company; Homeowners Rate Filing

On November 6, 1998, the Insurance Department received from Donegal Mutual Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 6.6% increase amounting to \$1,488,000 annually, to be effective February 1, 1999, for new business and March 1, 1999, for renewal business.

Unless formal administrative action is taken prior to January 5, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (E-mail: xlu@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-1921. Filed for public inspection November 20, 1998, 9:00 a.m.]

### John and Evandine King; Hearing

*Appeal of John and Evandine King under the Pennsylvania Assigned Risk Plan; Farmer's Mutual of McCandless Township; Doc. No. PH98-11-001*

Under the Pennsylvania Assigned Risk Plan, Section 19, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741, notice is hereby given that John and Evandine King have requested a hearing on the determination by the Pennsylvania Assigned Risk Plan Governing Committee concerning their effective date of coverage.

The hearing will be held as follows:

*Location:* Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102

*Date:* December 9, 1998

*Time:* 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accord-

ance with the requirements of the Administrative Agency Law, 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e). Under 31 Pa. Code § 59.7(e), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193, 35.225—35.251, unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-1922. Filed for public inspection November 20, 1998, 9:00 a.m.]

### Nationwide Mutual Fire Insurance Company; Homeowners and Mobile Homeowners Rate Revision; Rate Filing

On October 30, 1998, the Insurance Department received from Nationwide Mutual Fire Insurance Company a filing for a rate level change for homeowners and mobile homeowners insurance.

The company requests an overall 7.0% decrease amounting to -\$10,756,500 annually, to be effective February 26, 1999.

Unless formal administrative action is taken prior to December 29, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at cromberg@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-1923. Filed for public inspection November 20, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68)

in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Frank C. Leone; file no. 98-210-34603; Travelers Property & Casualty; doc. no. PH98-11-002; December 8, 1998, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-1924. Filed for public inspection November 20, 1998, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for

filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

#### *Executive Board*

Resolution #CB-98-244, Dated September 29, 1998, a letter of agreement has been signed between the Commonwealth of Pennsylvania and the Pennsylvania State Education Association and\* to amend the Article and Recommendation of the Military Leave specified in the Collective Bargaining Agreements, in #CB-96-309 for Local Associations at \*Thaddeus Stevens State School of Technology, dated November 18, 1996; #CB-96-310 for Local Associations at Scotland School for Veterans' Children and Scranton State School for the Deaf, dated November 18, 1996; and #CB-97-092 for Local Associations at Hiram G. Andrews Center, dated April 18, 1997.

Resolution #CB-98-247, Dated September 29, 1998, a letter of agreement has been signed between the Commonwealth of Pennsylvania and the Pennsylvania Nurses Association Union which covers the Nursing and Supportive Medical Services First Level Supervisory (P5) Unit effective July 1, 1997 through June 30, 2000, the letter of agreement amends the Recommendations of the Military Leave, Health Benefits, Travel Expenses and Professional Education Program specified in #CB-97-149, dated June 23, 1997.

#### *Governor's Office*

Manual M210.5—Standard (STD) Forms Management—Amended, September 15, 1998.

Management Directive No. 230.10—Travel and Subsistence Allowances Revision No. 9, Dated October 5, 1998.

Management Directive No. 530.26—Benefit Entitlements for Employees on Military Leave, Amended October 15, 1998.

Administrative Circular No. 98-29—Holidays-1999—Dated September 24, 1998.

Administrative Circular No. 98-30—Relocation—Pennsylvania Commission on Crime and Delinquency—Dated October 2, 1998.

Administrative Circular No. 98-31—Access to Issuances of the Directives Management System on the Intranet—Dated October 14, 1998.

Administrative Circular No. 98-32—Placing of Decals and Logos on Commonwealth Vehicles—Dated October 20, 1998.

Administrative Circular No. 98-33—Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation—Dated October 20, 1998.

GARY R. HOFFMAN,  
*Director;*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 98-1925. Filed for public inspection November 20, 1998, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The Liquor Control Board seeks the following new site:

Lehigh County, Wine & Spirits Shoppe #3908, Lower Macungie Township, Borough of Macungie.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,200 to 3,000 net useable square feet of new or existing retail commercial space within the Borough of Macungie or Lower Macungie Township in Lehigh County along PA Route 100 within 2 miles of the intersection with West End Trail.

*Proposals due:* December 11, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Ronald Hancher, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 98-1926. Filed for public inspection November 20, 1998, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## 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 14, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00115417. Christopher J. Mercer & Ernest Demonte, Copartners t/d/b/a Blue Star Limousine Service** (R.R. 4, 479B, Hill Church Road, Boyertown, Berks County, PA 19512)—persons, in limousine service: (1) between points in the townships of Pike, Oley, Amity, Douglass, Earl, Colebrookdale and Washington and the boroughs of Bally, Bechtelsville and Boyertown, all located in Berks County, and the townships of New Hanover, Upper Pottsgrove, West Pottsgrove, Lower Pottsgrove and Douglass and the borough of Pottstown, all located in Montgomery County, and from points in said territory, to points in Pennsylvania, and return; and (2) from the townships of Pike, Oley, Amity, Douglass,

Earl, Colebrookdale and Washington and the boroughs of Bally, Bechtelsville and Boyertown, all located in Berks County, and the townships of New Hanover, Upper Pottsgrove, West Pottsgrove, Lower Pottsgrove and Douglass and the borough of Pottstown, all located in Montgomery County, to the Allentown Queen City Airport and the Lehigh Valley International Airport, both located in Lehigh County; the Pottstown Municipal Airport and the Reading Municipal Airport, both located in Berks County, and the Philadelphia International Airport located in the city and county of Philadelphia and Tinicum Township, Delaware County, and vice versa.

**A-00115423. Kathleen M. Keighron t/d/b/a Community Custom Transportation Service, LLC.** (MMC Plaza, 2nd Floor, Route 115, P.O. Box 541, Effort, PA 18330-0541)—persons upon call or demand in the counties of Monroe and Carbon.

**A-00115423, F. 2. Kathleen M. Keighron t/d/b/a Community Custom Transportation Service, LLC.** (MMC Plaza, 2nd Floor, Route 115, PO Box 541, Effort, PA 18330-0541)—persons in paratransit service, between points in the counties of Monroe and Carbon, and from points in the said counties, to points in Pennsylvania, and return.

**A-00115420. John Thomas Jackson, t/d/b/a Jackson's Taxi Service** (P. O. Box 143, Farrell, Mercer County, PA 16121)—persons upon call or demand in the cities of Farrell, Sharon and Hermitage and the boroughs of Wheatland, Sharpsville, West Middlesex, Clark, Mercer and Greenville and the townships of Pymatuning, South Pymatuning and Shenango, all located in the county of Mercer.

**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-00089839, Folder 4, Am-A. Price Bus Company, Inc.** (c/o 239 Old River Road, P. O. Box 1007, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons over the following route to the harness racetrack designated as Pocono Downs in Plains Township, Luzerne County and vice versa: Beginning at the intersection of Main Street and State Highway Traffic Route 315 in the borough of Dupont, Luzerne County, thence on State Highway Traffic Route 315 through Pittston Township, the borough of Yatesville, Jenkins Township and the borough of Laflin to the racetrack designated as Pocono Downs in Plains Township, and returning over the same route; service over said route to be provided only on days when racing is in progress at Pocono Downs; with Right No. 1 subject to the following conditions: That the rights, powers and privileges herein granted shall also include the right to digress from the aforesaid route when such is temporarily closed by municipal or Pennsylvania State Highway Authorities and official detours established by them, provided reports are filed with the Commission describing the detours, however, it includes no right to pick up or deliver passengers on these detours if certificated carriers have the right to render this service. *Attorney:* Scott Gould, 100 Pine Street, Harrisburg, PA 17108-1166.

**A-00089839, Folder 3, Am-A. Price Bus Company, Inc.** (c/o 239 Old River Road, P. O. Box 1007, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—discontinuance of ser-

vice—as a common carrier by motor vehicle, at A-00089839, F. 3, authorizing the transportation (1) on Monday nights only, persons attending social functions at St. Mary's Visitation Church in the borough of Dickson City, Lackawanna County, from points on the following routes to said church, and vice versa: (a) Beginning at the intersection of Main and Stephenson Streets in the borough of Duryea, Luzerne County, thence via Main Street through the boroughs of Old Forge and Taylor, Lackawanna County thence via South Main Avenue, North Main Avenue, Parker Street, North Scranton, thence via Boulevard Avenue to the borough of Dickson City, Lackawanna County, thence via Main Street to Blakely Corners, thence South Main Street, thence right on Dundaff Street to St. Mary's Visitation Church, in the borough of Dickson City; (b) Beginning at the intersection of Loomis and North Main Streets in the borough of Taylor, Lackawanna County, thence via North Main Street to the city of Scranton, thence via South Main Avenue, North Main Avenue, Market Street and Highway 307 to the North Scranton Expressway, thence via Highway Route 81 to North Main Avenue exit in the city of Scranton, thence via Main Avenue to Main Street in Dickson City, Lackawanna County, thence via Dundaff Street to St. Mary's Visitation Church in the borough of Dickson City; (c) Beginning at the intersection of Church Street and Winfield Avenue in the borough of Moosic, Lackawanna County, thence via Winfield Avenue, Rothe Street and Birney Avenue to the city of Scranton, thence via Pittston Avenue, Sanders Street, Cedar Avenue, Highway Route 11, Lackawanna Avenue, Wyoming Avenue, Green Ridge Street, Highway Route 307, North Main Avenue, Main Street in the borough of Dickson City, thence via Dundaff Street to St. Mary's Visitation Church in the borough of Dickson City; (d) Beginning at the Erie-Lackawanna Avenue Railroad Station, Jefferson Avenue in the city of Scranton, thence via Lackawanna Avenue, Cedar Avenue, Fig Street, Pittston Avenue, Moosic Street, Highway Routes 11 and 307 through the borough of Dunmore, Lackawanna County, thence via Dunmore Street in the borough of Throop, Lackawanna County, thence via South Valley Avenue in the boroughs of Throop and Olyphant, Lackawanna County, thence via Lackawanna Avenue in the borough of Olyphant, thence via Main Street in the borough of Dickson City, Lackawanna County, thence via Dundaff Street to St. Mary's Visitation Church in the borough of Dickson City; (e) Beginning in the village of Richmondale, Fell Township, Lackawanna County, thence via Hudson Street to the borough of Forest City, Susquehanna County, thence via Highway Routes 247 and 171 through the borough of Forest City, Susquehanna County, and Vandling, Lackawanna County, and the village of Simpson, Fell Township, Lackawanna County, thence via Highway Route 6 through the city of Carbondale, Lackawanna County, thence via Highway Route 247 through the boroughs of Archbald and Blakely, Lackawanna County, thence via Main Street in the borough of Dickson City, Lackawanna County, thence via Dundaff Street to St. Mary's Visitation Church in the borough of Dickson City; (2) on Tuesday nights only, persons attending social functions at St. Thomas Aquinas Church in the borough of Archbald, Lackawanna County, from points along the following routes to said church, and vice versa: (a) Beginning at the intersection of Main and Union Streets in the borough of Taylor, Lackawanna County, thence via North Main Street in the said borough, thence to South Main Avenue and North Main Avenue in the city of Scranton, thence via Main Street in the borough of Dickson City, thence via Main Street in the borough of

Blakely, Lackawanna County, thence via Ridge Road and Keystone Avenue in the borough of Blakely, Lackawanna County, thence via Main Street in the borough of Archbald, Lackawanna County, thence via Salem Street and Laurel Street to the St. Thomas Aquinas Church in the borough of Archbald, Lackawanna County; (b) Beginning in the village of Richmondale, Fell Township, Lackawanna County, thence via Hudson Street to the borough of Forest City, Susquehanna County, thence via Highway Routes 247 and 171 through the boroughs of Forest City, Susquehanna County and Vandling, Lackawanna County, and the village of Simpson, Fell Township, Lackawanna County, thence via Highway Route 6 through the city of Carbondale, Lackawanna County, thence via Pike Street and Gordon Avenue in the city of Carbondale, thence via Lackawanna Avenue in the borough of Mayfield, Lackawanna County, thence via Washington Avenue in the borough of Jermyn, Lackawanna County, thence via Main Street to the borough of Archbald, Lackawanna County, thence via Salem Street and Laurel Street to the St. Thomas Aquinas Church in the borough of Archbald, Lackawanna County; (3) on Wednesday nights only, persons attending social functions at Holy Trinity Church in the village of Simpson, Fell Township, Lackawanna County, from points on the following routes to said church, and vice versa: (a) Beginning in the village of Richmondale, Fell Township, Lackawanna County, thence via Hudson Street to the borough of Forest City, Susquehanna County, thence via Highway Routes 247 and 171 to the borough of Forest City, Susquehanna County, thence via Highway Route 247 to the village of Browndale, Clinton Township, Wayne County, thence via Highway Route 171 through the borough of Vandling, Lackawanna County, to Main Street in the village of Simpson, Fell Township, Lackawanna County thence via Rittenhouse Street to Holy Trinity Church in the village of Simpson, Fell Township, Lackawanna County; (b) Beginning at the intersection of Main Avenue and Jackson Street in the city of Scranton, thence via North Main Avenue in the city of Scranton, thence via Main Street in the borough of Dickson City, thence via Main Street in the borough of Blakely, Lackawanna County, thence via Ridge Road in the said borough through the borough of Archbald, Lackawanna County, thence via Old Carbondale Turnpike through the boroughs of Jermyn and Mayfield, Lackawanna County, thence via Gordon Avenue in the city of Carbondale, Lackawanna County, thence via Pike Street, Highway Route 6 in the said city, thence via Highway Route 71 through the borough of Vandling, Lackawanna County, to Main Street in the village of Simpson, Fell Township, Lackawanna County, thence via Rittenhouse Street to Holy Trinity Church in the village of Simpson, Fell Township, Lackawanna County; (4) on Thursday nights and Sunday afternoons only, persons attending social functions at St. Nicholas Byzantine Roman Catholic Church in the borough of Old Forge, Lackawanna County, from points on the following routes to said church, and vice versa: (a) Beginning at the intersection of Main Avenue and Jackson Street in the city of Scranton, thence via South Main Street to Main Street in the boroughs of Taylor and Old Forge, Lackawanna County, thence via Powell Street, Church Street and Vine Street to St. Nicholas Byzantine Roman Catholic Church, in the borough of Old Forge, Lackawanna County; and (b) Beginning at the intersection of North Main Avenue and Market Street in the city of Scranton, thence via Market Street, Wayne Avenue, Oak Street, North Main Avenue, Highway Route 307, Wyoming Avenue, Lackawanna Avenue, Cedar Avenue and Highway Route 11 to the

borough of Moosic, Lackawanna County, thence via Main Street and Moosic Road to the borough of Old Forge, Lackawanna County, thence via Main Street, Powell Street, Church Street and Vine Street to St. Nicholas Byzantine Roman Catholic Church in the borough of Old Forge, Lackawanna County; (5) on Friday nights only, persons attending social functions at St. Francis Church, Lee Park, Township of Hanover, Luzerne County, from points on the following route to said church, and vice versa: (a) Beginning at the intersection of Main Avenue and Jackson Street in the city of Scranton, thence via North Main Avenue, Highway Routes 307 and 11 through the borough of Dunmore, the city of Scranton and the borough of Moosic, Lackawanna County, and the borough of Avoca, Luzerne County, thence via Highway Route 315 to the borough of Dupont, Luzerne County, thence via Highway Route 309 to the city of Wilkes-Barre, Luzerne County, thence via Blackman Street and South Main Street in the said city, thence via Middle Road, Hanover Township, Luzerne County, thence via Oxford Street to St. Francis Church Hall in the township of Hanover, Luzerne County; subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public: (a) That the transportation herein authorized shall be paid for by the respective churches and not the individual passengers; (b) that, with respect to the aforesaid route to St. Francis Church, Lee Park, Township of Hanover, Luzerne County, no right, power or privilege is granted to pick up or discharge passengers at the intersection of Main and McAlpine Streets in the borough of Avoca nor at points in said borough south of said intersection; (c) that, with respect to the aforesaid route to St. Francis Church, Lee Park, Township of Hanover, Luzerne County, no right, power or privilege is granted to pick up or discharge passengers at the intersection of Main and Zeigler Streets in the borough of Dupont nor at any point on said route south of Zeigler Street (Dupont), except at said church; and (d) that the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Bus and Taxicab Regulations effective April 15, 1946, or as may hereafter be revised, and any other regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate. *Attorney:* Scott A. Gould, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

**A-00112763, Folder 1, Am-B. Eastern Medical Ambulance, Inc.** (1309 East Market Street, Warren, Ohio 44483), a corporation of the State of Ohio—persons upon call or demand, in the city of Meadville, Crawford County: *So as to permit* the transportation of persons upon call or demand in the county of Crawford. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**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 7, 1998.

- A-00115433 Larry and Mindy Deatruck, Husband & Wife, t/a L & M Deatruck Trucking, R.D. 1, Box 59, Ickesburg, PA 17037
- A-00115425 Jeff Kairo, t/a Jeff Kairo Trucking, 130 Espy Street, Nanticoke, PA 18634

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. EconExpress, Incorporated;  
Doc. No. A-00107656C9801*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That EconExpress, Incorporated, respondent, maintains a principal place of business at Suite 103-A, 1776 South Naperville Road, Wheaton, Illinois 60187.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00107656.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by EconExpress, Incorporated at Docket No. A-00107656, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,

George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

\_\_\_\_\_  
George T. Mahan

*Notice to Plead*

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1927. Filed for public inspection November 20, 1998, 9:00 a.m.]

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**Telecommunications**

**A-310696F0002. Bell Atlantic-Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a COVAD Communications Company.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a COVAD Communications Company for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a COVAD Communications Company, by its counsel, filed on October 16, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and DIECA Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1928. Filed for public inspection November 20, 1998, 9:00 a.m.]

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**Telecommunications**

**A-310692. Bell Atlantic-Pennsylvania, Inc. and Northpoint Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Northpoint Communications, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Northpoint Communications, Inc., by its counsel, filed on October 15, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Northpoint Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1929. Filed for public inspection November 20, 1998, 9:00 a.m.]

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**Transfer by Sale**

**A-110150F0019. Duquesne Light Company.** Application of Duquesne Light Company for approval of the transfer by sale of certain real property located within the city of Pittsburgh to Glimcher Development Services, Inc.

This Application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before December 7, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* Duquesne Light Company

*Through and By Counsel:*

Leslie M. Grey Esquire, 411 Seventh Avenue 16-006,  
Pittsburgh, PA 15230

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1930. Filed for public inspection November 20, 1998, 9:00 a.m.]

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**Water Service  
Without Hearing**

**A-210079. Warwick Water Works, Inc.** Application of Warwick Water Works, Inc. for a Certificate of Public Convenience to supply public water service to properties within St. Peter's Village, located in Warwick Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before December 7, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* Warwick Water Works, Inc.

*Through and By Counsel:* Joseph E. Brion, Esquire, Buckley, Nagle, Gentry, Brion, Mcguire & Morris LLP, 304 North High Street, West Chester, PA 19380.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-1931. Filed for public inspection November 20, 1998, 9:00 a.m.]

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# 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.

<h3 style="margin: 0;">Reader's Guide</h3>	<h3 style="margin: 0;">REQUIRED DATA DESCRIPTIONS</h3>																				
<h2 style="margin: 0;">Legal Services &amp; Consultation—26</h2> <p style="text-align: center; margin: 10px 0;"> <span style="margin-right: 100px;">① Service Code Identification Number</span> </p> <p style="text-align: center; margin: 10px 0;"> <span>② Commodity/Supply or Contract Identification No.</span> </p> <p><b>B-54137.</b> 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.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Department:</td> <td>General Services</td> <td style="width: 20%;"></td> <td style="width: 40%; text-align: center;">③ Contract Information</td> </tr> <tr> <td>Location:</td> <td>Harrisburg, Pa.</td> <td></td> <td style="text-align: center;">④ Department</td> </tr> <tr> <td>Duration:</td> <td>12/1/93-12/30/93</td> <td></td> <td style="text-align: center;">⑤ Location</td> </tr> <tr> <td>Contact:</td> <td>Procurement Division</td> <td></td> <td style="text-align: center;">⑥ Duration</td> </tr> <tr> <td></td> <td>787-0000</td> <td></td> <td></td> </tr> </table> <p style="margin-top: 10px;"> <span style="margin-right: 100px;">⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)</span> </p>	Department:	General Services		③ Contract Information	Location:	Harrisburg, Pa.		④ Department	Duration:	12/1/93-12/30/93		⑤ Location	Contact:	Procurement Division		⑥ Duration		787-0000			<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>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.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.</p> <p>(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p>
Department:	General Services		③ Contract Information																		
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Duration:	12/1/93-12/30/93		⑤ Location																		
Contact:	Procurement Division		⑥ Duration																		
	787-0000																				



## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

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| <p><b>0012-11</b> Annual Contract—Business cards, printed one (1) color.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> FY 98—99<br/> <b>Contact:</b> Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>1105-02</b> Annual Contract—Body armor.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>2599-01</b> Annual Contract—Vehicle lamps.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>4230-01</b> Annual Contract—Breathing apparatus, self-contained.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/15—03/14<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>5510-03</b> Annual Contract—Wood sign posts (DOT).<br/> <b>Department:</b> Transportation<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>5610-49</b> Annual Contract—Cement, concrete, truck mixed.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/15—03/14<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>5710-01</b> Annual Contract—Bituminous liquid; incl. dust palliatives and AC (DOT).<br/> <b>Department:</b> Transportation<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>6510-06</b> Annual Contract—Laboratory test kits.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 02/01—01/31<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> | <p><b>6510-01</b> Annual Contract—Surgical dressings and miscellaneous hospital supplies.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/25—03/31<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>6530-03</b> Annual Contract—Wheel chairs and accessories.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>6605-05</b> Annual Contract—Laboratory analytical equipment and supplies.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 04/01—03/31<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>6810-08</b> Annual Contract—Chemicals, soap plant (SCI Hunt).<br/> <b>Department:</b> Corrections<br/> <b>Location:</b> Huntingdon, Huntingdon County, PA<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>7105-05</b> Annual Contract—Furniture, commercial.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 05/01—04/30<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>7930-08</b> Annual Contract—Floor finish and remover.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 05/01—04/30<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>8135-01</b> Annual Contract—Fiberboard, corrugated CI/DOT.<br/> <b>Department:</b> Corrections/Transportation<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/15—03/14<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>8415-04</b> Annual Contract—Uniforms.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 04/01—03/31<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>9150-03</b> Annual Contract—Motor oil, bulk.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 04/01—03/31<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>9905-14</b> Annual Contract—Aluminum sign blanks.<br/> <b>Department:</b> Various<br/> <b>Location:</b> Various<br/> <b>Duration:</b> 03/01—02/28<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> <hr/> <p><b>1413238</b> Clothing and individual equipment—682 each jacket, modified Eisenhower, green, uniform.<br/> <b>Department:</b> Game Commission<br/> <b>Location:</b> Harrisburg, Dauphin County, PA<br/> <b>Duration:</b> FY 98—99<br/> <b>Contact:</b> Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199</p> |
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**8084810** Clothing and individual equipment—250,000 each patches for 1999 "Keep Pennsylvania Beautiful" Program.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1403188** Communication equipment—1 each furnish, install and make operational an upgrade of 160TGB of disk storage units storage capacity with IBM's Ramac Virtual Array (RVA) DASD memory.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1195118** Medical, dental and vet equipment and supplies—1 each GNR T-308B and Reach Flexibility Testor or approved equal to measure hip and lower back flexibility; 2 each GNR T-211-339 eye level beam scale or approved equal; 2 each GNR X-304-2 folding mats or approved equal; 3 each GNR X-700 Monark Rehab Trainer Model 881E or approved equal; 3 each GNR X-701 Monark Ergonomic Fitness/Stress Testing Trainer Model 818E or approved equal; 3 each GNR T-710-5 Jackson Evaluation System or approved equal.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1393188** Paper and printing—110M application for PA boat registration and/or title.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1301388** Prefabricated structures and scaffolding—25,000 ft. No. 4/0 AWG U S E aluminum wire suitable for use in dry or wet locations at 90C, 600 volts U/L approved; 25,000 ft. No. 4/0 AWG U S E copper wire suitable for use in dry or wet locations at 90C 600 volts UL approved; 157 each galvanized bonded ground rods 5/8" diameter x 8' 0" long; 157 each ground rod clamps, listed for direct burial for 5/8" diameter rods; 800 ft. No. 4 Ang Bare solid copper wire U/L approved; 60 each 2" rigid PVC nonmetallic conduit 10' lengths for the enclosing electrical wires.

**Department:** Conservation and Natural Resources  
**Location:** Jamestown, Cambria County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1391118** Promotional items—30,000 each River Otter License Plate.

**Department:** Correctional Industries  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1300118** Pumps—1 each Spirax Sarco packaged pressure powered Simplex pump unit, Model PPC size 3 x 2 with 63 gallon vented receiver fitted with gauge glass assembly, pump supplied fitted with stainless steel check valves.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

**1255118** Textiles—100,000 yards elastic 1 1/4" width, woven, white with colored stripes blue and gold, 82% polyester/18% lycra.

**Department:** Correctional Industries  
**Location:** Graterford, Montgomery County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Service: fax request to (717) 787-0725 or call (717) 787-2199

## SERVICE

### Audio/Video—04

**Inquiry No. 36** Audio/video telecommunications services, equipment rental and repair. To provide for the maintenance and repair of the hospital paging system on an as needed basis. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Purchasing Department, 160-0 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 01, 1999 to June 30, 2003  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**25-1472947** Clarion University of the Pennsylvania State System of Higher Education is inviting firms to respond to the University's Request for Qualified Vendors for telecommunications and other services. The University is seeking a contractor that can provide innovative, comprehensive, reliable and cost-effective telecommunications solutions. The RFQC process is described in the RFQC document that can be downloaded from [www.clarion.edu/rfqc](http://www.clarion.edu/rfqc). A Letter of Intent to Participate in the RFQC process is due in the purchasing office no later than 2 p.m. November 25, 1998. Letters should be sent to Terry Pierucci, Clarion University, Purchasing Department, 210 Carrier Hall, 840 Wood Street, Clarion, PA 16214. The System encourages responses from small firms, minority firms, women owned firms and firms that have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth of Pennsylvania and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 5—10 years  
**Contact:** Terry Pierucci, Purchasing Specialist, (814) 226-2233

**WC 703** West Chester University of the State System of Higher Education is soliciting sealed bids for the Routing of Telecommunications Installation. The project consists of providing and installing a one 4-inch PVC conduit, equipped with three inner ducts, between 839 S. Campus Drive and 850 S. New St., a distance of approximately 1,140 feet. Also provide and install a 12-strand multimode fiber optic cable and a 50-pair copper cable, a distance of approximately 1,210 feet. The work also includes the termination and testing of both cable and documentation of the work.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** 60 days from notice to proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

### Computer Related Service—08

**L & I-12-98** Acquisition of Software: Quadritek QIP 4.3.1 AIX with maintenance contract, on-site installation and on-site training.

**Department:** Labor and Industry  
**Location:** Office of Information Technology, 2nd Floor, Harrisburg, Dauphin County, PA 17121  
**Duration:** January 4, 1999—January 03, 2000  
**Contact:** Beverly Fenton, (717) 787-2560

**SWIF 7-98** The Commonwealth of Pennsylvania, Department of Labor and Industry, State Workers' Insurance Fund is soliciting bids for the lease of a PC-based software package to reprice Part A hospital bills, both inpatient and outpatient, in a workers' compensation environment. The successful bidder must present a software package which complies with the requirements of Act 44, the Bureau of Workers' Compensation regulations of November 11, 1995, as well as any future amendments, updates or changes to the above.

**Department:** Labor and Industry  
**Location:** SWIF, SWIF Home Office, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Lackawanna County, PA 18503  
**Duration:** 1 year with a 1-year renewal option  
**Contact:** Brian J. Finnerty, (717) 963-3130

### Construction—09

**No. 30** Partial replacement of the roof at Allentown Secure Treatment Unit, 1600 Hanover Avenue, Allentown, PA 18103.

**Department:** Public Welfare  
**Location:** Allentown Secure Treatment Unit, 1600 Hanover Avenue, Allentown, PA 18103  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**DGS A 251-178** Project title: Repair Steel Building. Brief description: Work consists of miscellaneous steel building repairs and repainting of the building. General construction. Plans deposit: \$25 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. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, December 2, 1998 at 11 a.m.

**Department:** General Services  
**Location:** Pennsylvania Department of Transportation, Maintenance Building, Greensburg, Westmoreland County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 225-7 (Rebid)** Project title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove one 10,000 gallon underground gasoline storage tank, concrete pads, dispenser and piping. Replace with one new 10,000 gallon below grade vaulted gasoline storage system with dispenser, card reader, software, a fuel management system, related piping, electrical work, site assessment, sampling and testing. Furnish and install a new 4' x 8' aluminum storage shed. Electrical and UST/AST construction. Plans deposit: \$25 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. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, December 2, 1998 at 11 a.m.

**Department:** General Services  
**Location:** PA State Police "D" Headquarters, Butler, Butler County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 1104-57** Project title: Emergency Fire and Safety Renovations, Phase 2. Brief description: Upgrade of fire and safety systems, particularly the installation of sprinklers and smoke detectors in Old Medical, Carnell and Conwell Halls. General, electrical and fire protection construction. Plans deposit: \$10 per set. Payable to: Paul H. Yeomans, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Paul H. Yeomans, Inc., Cast Iron Building, Suite 200S, 718 Arch Street, Philadelphia, PA 19146, (215) 592-1900. Bid date: Wednesday, December 16, 1998 at 1 p.m. A prebid conference has been scheduled for Monday, November 23, 1998 at 9 a.m. at Temple University in the Service Building, Room 403, 1601 North Broad Street, Philadelphia, PA. Contact: Don Lodge, (215) 592-1900. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Temple University, Philadelphia, Philadelphia County, PA  
**Duration:** 567 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**FM 087398-03** Resurface roadway: Project covers the supplying of all labor, tools, equipment, materials and appurtenances to install new bituminous paving on Cedar Road.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** April 1, 1999 through June 30, 1999, a period of 3 months  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**FM 087398-04** Resurface roadway: Project covers the supplying of all labor, tools, equipment, materials and appurtenances to install new bituminous paving on South Circle Drive.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** April 1, 1999 through June 30, 1999, a period of 3 months  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

## Engineering Service—14

**08430AG2263** To provide supplementary construction inspection staff, under the Department's Inspector(s)-in-Charge, to perform construction inspection services on various projects in Engineering District 5-0, that is, Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2264** To provide construction inspection services on S. R. 0011—008 US 11/15 widening in Perry County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Twenty-five (25) calendar months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2265** Two Statewide open-end contracts for photogrammetric mapping services on various projects within Pennsylvania.

**Department:** Transportation  
**Location:** Central Office  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Service—15

**BF 428-101.1** Abandoned Mine Land Reclamation, Coal Stripping, Inc., involves an estimated 44,700 c. y. of grading, 990 s. y. of rock lining w/filter material and 11 acres of seeding.

**Department:** Environmental Protection  
**Location:** Jefferson Township, Fayette County, PA  
**Duration:** 180 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

## Food—19

**Inquiry No. 7647** Coffee, freeze dried (decaffeinated)—for delivery approximately 12 cases/month.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821  
**Duration:** February 1, 1999—June 30, 2000  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 271-4578

**No. 8329** Pie and cakes fresh: Commodities and quantities available from Purchasing Office, Ebensburg Center, Route 22 W., P. O. Box 600, Ebensburg, PA 15931. To be commercial price. Award made in best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** For period: January 01, 1999 to June 30, 1999  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**8965** Bread, rolls and related items.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870  
**Duration:** January—June, 1999  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**11028** Grocery and frozen food items.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** January, February and March, 1999  
**Contact:** Geanette Gualtieri, (814) 878-4930

**Fuel Related Service—20**

**00723-000-98-TANK-1** Remove UST. Remove one existing diesel UST (1,000 gallons). A site visit is suggested. For directions, please contact the site at (724) 527-5584. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC, for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Bids are due on Friday, December 11, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Bushy Run Battlefield, Bushy Run Road, Jeannette, PA 15644  
**Duration:** December 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caulfield, (717) 772-2401

**00723-000-98-TANK-2** Install AST. Provide and install one new fire rated, dual compartment gasoline (250 gallons)/diesel (250 gallons) fire rated AST. A site visit is suggested. For directions, please contact the site at (724) 527-5584. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC, for a bid package in writing, to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi Yingling or fax request to (717) 783-1073. Bids are due on Friday, December 11, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Bushy Run Battlefield, Bushy Run Road, Jeannette, PA 15644  
**Duration:** December 1, 1998 to June 30, 1999  
**Contact:** Judi Yingling or Jim Caulfield, (717) 772-2401

**Hazardous Material Service—21**

**Project No. 9942** Asbestos abatement—boiler room.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, R. D. 1, Lock Haven, Clinton County, PA  
**Duration:** January 1, 1999—June 30, 1999  
**Contact:** Emma Schroff, (717) 861-8518

**HVAC—22**

**Service Purchase Contract Number 400910** Electrification of Campsites. Provide services to install electricity to campsites in the family campground located within French Creek State Park, Berks County, PA. Documents containing all pertinent information can be obtained from the Park Office.

**Department:** Conservation and Natural Resources  
**Location:** French Creek State Park, 843 Park Road, Elverson, Berks County, PA 19520-9523  
**Duration:** February 1, 1999 through June 30, 1999  
**Contact:** Lewis H. Williams, Assistant Park Manager, (610) 582-9680

**Laboratory Service—24**

**Inquiry No. 39** To provide for the services of analytical testing of asbestos samples, industrial wastewater, drinking water, lead paint and other hazardous materials on an as needed basis. To obtain a copy of the bid proposal contact the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 01, 1999 to June 30, 2003  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**Inquiry No. 40** This service provides for the services of a dental laboratory on an as needed basis. A copy of the bid packet can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** January 01, 1999 to June 30, 2003  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**Mailing Service—28**

**SP 225572** Pick up materials from 333 Market Street, 14th Floor, Harrisburg, PA and perform services on vendor's premises. Fold computer-printed form; name and address portion of form must show through a window envelope. Insert three pieces (computer-printed form, pre-folded single sheet document, and a business reply envelope) into approximately 88,000 window envelopes. Insert four pieces (computer-printed form, two pre-folded single sheet documents, and a business reply envelope) into approximately 46,000 window envelopes. Total weight will not exceed one ounce. Seal window envelopes. Pre-sort by machine and meter First Class. Deliver to the Post Office. Price per piece is to include postage. Turnaround time is 48 hours after pickup. Security must be maintained since material is confidential. Vendor must have insurance coverage for fire, theft and reconstruction costs for any accident.

**Department:** Education  
**Location:** Bureau of Information Systems, 333 Market Street, 14th Floor, Harrisburg, PA  
**Duration:** February 15, 1999 through February 14, 2000  
**Contact:** Kathy Rickert, (717) 783-6664

**Medical Service—29**

**Inquiry No. 35** This service provides for the rental of oxygen concentrators on an as needed basis. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 01, 1999 to June 30, 2003  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**SP 391576** X-ray technician—Contractor to provide the service of a part-time X-ray technician on the grounds of Wernersville State Hospital. Individual must have current registry with the American Registry of Radiologic Technologists. Details will be available upon request.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565  
**Duration:** February 1, 1999 through January 31, 2000  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4127

### Property Maintenance—33

**11098008** Landscape Maintenance Service—This work consists of mowing, trimming, fertilization, herbicide applications and other landscape operations at two Safety Rest Areas in Allegheny County along I-79 designated sites 11 and 12.

**Department:** Transportation  
**Location:** Engineering District 11-0, Allegheny County, PA  
**Duration:** February 01, 1999 through January 31, 2000 with renewal options  
**Contact:** Joe DiPietro, (412) 429-4954

**FM-78** Furnish all labor, materials and equipment for removal of snow, salting and cinderling from the driveway and parking areas at the Pennsylvania State Police, Belfast Station, 622 Bangor Road, Easton, PA 18040. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Belfast Station, 622 Bangor Road, Easton, PA 18040  
**Duration:** January 01, 1999 to June 30, 2000  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

### Real Estate Service—35

**0008-A05** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both commercial and residential dwellings located along State Route 0008 (also known as William Flynn Highway) in the Borough of Etna and Shaler Township, Allegheny County. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. The contractor will also be required to comply with FHWA and State regulations. For bid information, specifications and further information, contact Michael Sudar, District Property Manager at (412) 429-4830.

**Department:** Transportation  
**Location:** Borough of Etna and Shaler Township, PA  
**Duration:** 30 days from notice to proceed  
**Contact:** Michael Sudar, (412) 429-4830

### Sanitation—36

**050-311** Provide operation of wastewater and drinking water systems in Monroe County, Site 41 (Crescent Lake); Site F (Delaware Water Gap). All responses must be called in by close of business (4 p.m.) on or before January 5, 1999.

**Department:** Transportation  
**Location:** 1713 Lehigh Street, Allentown, PA 18103  
**Duration:** One year from effective date  
**Contact:** Timothy R. Kaercher, (610) 798-4189

### Security Service—37

**Inquiry No. 37** To provide for the services of monitoring the fire alarm system and security alarm system. The monitoring is for 24 hours per day, 7 days a week. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 01, 1999 to June 30, 2003  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**00707-000-98-FSR** Fire and Security System Replacement. Renovate and replace existing fire and security panel and equipment, with products as manufactured by Ademco, and including limited wiring and devices at the Mansion, Summer Kitchen, Tenant House, Garage and Barn at Hope Lodge, including up to 3 years of postrenovation maintenance and repair. A mandatory prebid meeting and sign-in will be held on December 9, 1998 at 10:30 a.m. at Hope Lodge, for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, please contact the site at (215) 646-1595. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by any contractors who do not make the mandatory prebid. Bids are due on Wednesday, December 30, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Hope Lodge, 553 Bethlehem Pike, Fort Washington, PA 19034  
**Duration:** March 1, 1999 to June 30, 2002  
**Contact:** Judi Yingling or Ron Follygen, (717) 772-2401

**00707-000-98-FSR-1** Fire and Security System Replacement—Mather Mill. Installation of new fire and security panel and equipment, as manufactured by Ademco, including new wiring and devices at Mather Mill, including up to 3 years of postinstallation maintenance and repair. A mandatory prebid meeting and sign-in will be held on December 9, 1998 at 1 p.m. at Mather Mill, for all firms interested in submitting bids for the project. Parking is available across Bethlehem Pike at Hope Lodge—do not park in front of Mather Mill. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, please contact the site at (215) 646-1595. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by any contractors who do not make the mandatory prebid. Bids are due on Wednesday, December 30, 1998 at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Hope Lodge, Mather Mill, 553 Bethlehem Pike, Fort Washington, PA 19034  
**Duration:** March 1, 1999 to June 30, 2002  
**Contact:** Judi Yingling or Ron Follygen, (717) 772-2401

**SP-403774** Furnish, install, monitor and repair/maintain a leased 24-hour Central Station Security Alarm System and/or silent panic alarms in designated Pennsylvania Wine and Spirits Shoppes and/or other PLCB facilities located in Allegheny and surrounding counties.

**Department:** Liquor Control Board  
**Location:** Allegheny and Surrounding Counties  
**Duration:** March 1, 1999 through February 29, 2004  
**Contact:** Debra L. Brinser, (717) 772-2043

### Miscellaneous—39

**340053** Air sample test and bulk and/or dust sample tests.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** July 1, 1999—June 30, 2004  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**Project No. 98-07** To provide training and a training center for the training of minorities, females and disadvantaged males to develop skills related to quality control inspection as a Technical Assistant and have access to the Heavy and Highway Construction Industry. Requirements and RFP (Request for Proposal) are available upon request. Fax your request for an RFP to Tina Chubb at (717) 772-8282.

**Department:** Transportation

**Location:** Bureau of Office Services, 8th Floor Forum Place, 555 Walnut Street, Harrisburg, PA; Throughout Western Pennsylvania

**Duration:** 12 month contract with possibly three 12-month renewals

**Contact:** Tonja Jackson, (717) 783-8910

**DES010** The Department of Transportation is soliciting bids for floor mat rental and cleaning, at the Schuylkill Haven Driver Exam Site, 970 East Main Street, Schuylkill Haven, PA. All requests for bid packages can be obtained by calling (717) 787-9213 or by faxing requests to (717) 772-8282, Attn: Joseph DeSantis.

**Department:** Transportation

**Location:** Schuylkill Haven Driver Exam Site, 970 East Main Street, Schuylkill Haven, PA 17972

**Duration:** 3 years with two 1-year renewals

**Contact:** Joseph DeSantis, (717) 787-9213

**SP 377626** The PA Board of Probation and Parole is soliciting proposals to provide outpatient drug and alcohol treatment services to State technical parole violators who are returning to parole after 6 months of outpatient treatment in a Department of Corrections Community Corrections Center. These services are to be provided immediately upon release from the Community Corrections Center in a community based setting for outpatient care. (RFP PBPP No. 98-08).

**Department:** PA Board of Probation and Parole

**Location:** Eastern, Central and Western Regions of Pennsylvania

**Duration:** March 01, 1999 to February 28, 2002

**Contact:** Michelle Carl, Fiscal Management Division, (717) 787-8879

[Pa.B. Doc. No. 98-1932. Filed for public inspection November 20, 1998, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1130218-01	11/05/98	Eshenaurs Fu- els, Inc.	21,760.00
1151078-01	11/05/98	Forklifts Incor- porated	21,495.00
1203238-01	11/05/98	Hamilton Uni- forms	17,700.00
1243238-01	11/05/98	Majestic Lock Co., Inc.	3,746.90
1243238-02	11/05/98	IDN M. Tay- lor, Inc.	4,641.56
1243238-03	11/05/98	Taylor Secu- rity and Lock Co., Inc.	781.56

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
7314150-01	11/05/98	Bunzel York t/a Jedco Paper Corp.	44,070.00
8147610-01	11/05/98	S & S Ma- chine Com- pany, Inc.	13,500.00
8209110-01	11/05/98	Calcium Chlo- ride Sales, Inc.	17,138.00
8504700-01	11/05/98	Howells Glass Co.	9,960.00
8504700-02	11/05/98	Rhomar Indus- tries	16,716.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-1933. Filed for public inspection November 20, 1998, 9:00 a.m.]