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PENNSYLVANIA BULLETIN

Volume 26
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 264, November 1996

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

Proclamation of Disaster Emergency

November 12, 1996

Whereas, ongoing investigations made at my direction have disclosed that widespread and unusually heavy rains in parts of Tioga County on or about November 8, 1996, have resulted in extensive damage to roads, streets, and bridges, private homes, and other adverse impacts upon the general population of that county; and

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

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

Further, I hereby transfer up to \$100,000.00 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. The time-consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted; and

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

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

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

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of

Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency.

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

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

Governor

[Pa.B. Doc. No. 96-2003. Filed for public inspection November 29, 1996, 9:00 a.m.]

THE GENERAL ASSEMBLY

Cost-of-Living Factor Under the Public Official Compensation Law

Under section 4(c) of the Public Official Compensation Law (65 P. S. § 366.4(c)), for the 12-month period beginning December 1, 1996, through November 30, 1997, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of July 1, 1990, through October 31, 1996.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

CPI-U for July 1, 1990, through October 31, 1996, cumulative percentage change—22.0577%.

New salary amount—\$57,367.14.

Under section 4(c.1) of the Public Official Compensation Law (65 P. S. § 366.4(c.1)), for the 12-month period beginning December 1, 1996, through November 30, 1997, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from July 1, 1990, through October 31, 1996.

The percentage increase and the new compensation amounts have been determined jointly by the Chief Clerk

of the Senate and the Chief Clerk of the House of Representatives as follows:

<i>Leadership Position</i>	<i>Increase</i>	<i>New Compensation</i>
Speaker/President pro tempore	22.0577%	\$32,186.62
Majority Floor Leader	22.0577%	25,750.52
Minority Floor Leader	22.0577%	25,750.52
Majority Whip	22.0577%	19,542.66
Minority Whip	22.0577%	19,542.66
Majority Caucus Chairman	22.0577%	12,185.02
Minority Caucus Chairman	22.0577%	12,185.02
Appropriations Chairman	22.0577%	19,542.66
Minority Appropriations Chairman	22.0577%	19,542.66
Majority Caucus Secretary	22.0577%	8,047.27
Minority Caucus Secretary	22.0577%	8,047.27
Majority Caucus Policy Chairman	22.0577%	8,047.27
Minority Caucus Policy Chairman	22.0577%	8,047.27
Majority Caucus Adminis- trator	22.0577%	8,047.27
Minority Caucus Adminis- trator	22.0577%	8,047.27

W. RUSSELL FABER,
Chief Clerk
Senate of Pennsylvania
TED MAZIA,
Chief Clerk
House of Representatives

[Pa.B. Doc. No. 96-2004. Filed for public inspection November 29, 1996, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

Changes to the Pennsylvania Continuing Legal Education Board Regulations

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

Section 1. Definitions.

Accredited Continuing Legal Education Provider—A [**not-for-profit**] corporation or association accredited by the Board in accordance with the rules and these regulations.

* * * * *

Provider—A [**not-for-profit**] corporation or association which has been accredited by the Board to provide continuing legal education under these regulations or a [**not-for-profit**] corporation or association which provides one (1) or more continuing legal education courses approved by the Board.

* * * * *

Section 11. Accreditation of Accredited Continuing Legal Education Providers.

* * * * *

(g) The Board shall accredit for profit corporations and associations as CLE providers in accordance with the rules and these regulations. Such accreditation of a for profit provider shall be effective on and after January 1, 1997. CLE credit will only be given for CLE courses offered and conducted outside the territory of Pennsylvania by accredited for profit corporations or associations.

Section 12. Accreditation of a Single Course or CLE Activity.

* * * * *

(d) The Board shall accredit courses offered and conducted outside the territory of the Commonwealth of Pennsylvania by for profit corporations or associations where such courses meet the requirements of the rules and these regulations. Such accreditation shall apply to courses to be conducted on and after January 1, 1997.

[Pa.B. Doc. No. 96-2005. Filed for public inspection November 29, 1996, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Rule of Civil Procedure 216: Continuances; No. 961R

Order

And Now, this 18th day of November 1996, the Court hereby adopts the following Bradford County Rule of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin* or January 1, 1997, whichever is the latter date.

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

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

By the Court

JEFFREY A. SMITH,
President Judge

B.C.R.C.P. 216

CONTINUANCES

(1) A motion for a continuance shall be made in writing unless exceptional circumstances prevent a written motion.

(2) Before making a motion for continuance, every reasonable effort shall be made to notify and seek the agreement of all interested parties.

(3) The written motion shall be in substantially the following form:

: IN THE COURT OF COMMON PLEAS
vs. : OF BRADFORD COUNTY, PENNSYLVANIA
: NO.

NOW COMES _____ (name of party), (by and through (his) (her) (its) attorney, _____ (name of attorney),) and moves for a continuance as follows:

1. The above-captioned matter is scheduled for _____ (nature of proceeding, i.e., argument, hearing, arraignment, etc.) on the _____ day of _____, 199____, at _____m., before _____ (name of judge, master, etc.).

2. The moving party for said proceeding is _____ (name of party whose claim is to be heard).

3. The opposing parties are:
_____ represented by: _____
_____ represented by: _____
_____ represented by: _____
_____ represented by: _____

4. The proceeding was scheduled by _____ (order or notice) dated _____ (date).

5. The proceeding (has) (has not) been previously continued (_____ time(s)). (The moving party has obtained a continuance _____ time(s).

6. A continuance is requested because _____

(If a continuance is requested because of a conflicting court matter, state: the name of the case; the court; the nature of the scheduled proceeding; the date, time and expected duration of the conflicting proceeding; the date of the order or notice scheduling the conflicting proceeding.)

7. The following parties have been notified of this request and have no objection: _____

The following parties have not been notified of this request: _____

Efforts to notify the above-named parties include: _____

The following parties objected to the continuance for the reason stated herein: _____

8. I hereby certify that if a continuance is granted, the party moving for the continuance will be provided a copy of this motion forthwith and I will notify all witnesses who would be appearing at my request.

9. I specifically request a continuance
 of not less than _____
 of not more than _____ (or)
 to the next available date.

Respectfully submitted,

(4) A motion for continuance shall be accompanied with a proposed order in substantially the following form:

ORDER

And Now, this _____ day of _____, 199____, upon consideration of the attached motion of _____ (moving party) requesting a continuance:

the motion is denied.
 the motion is granted and the matter scheduled for _____ (date) at _____ m. (time) before _____ (name of judge, master, etc.) is hereby continued until _____ (date) at _____ m. (time).

The moving party shall promptly notify all interested parties of this order.

BY THE COURT:

(5) A motion for a continuance shall be made as soon as possible after the circumstances necessitating the request become known.

[Pa.B. Doc. No. 96-2006. Filed for public inspection November 29, 1996, 9:00 a.m.]

CARBON COUNTY

Use of Force Policy; No. 083 MI96

Administrative Order 9-1996

And Now, this 13th day of November, 1996, in order to establish and maintain lawful control in a timely manner to minimize the potential for injury to parties directly involved as well as others, the Court of Common Pleas of Carbon County hereby Approves and Adopts the Use of Force Policy, which is following and made a part hereof and the same is promulgated herewith to become effective thirty (30) days after publication in the Pennsylvania Bulletin; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; and that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,
President Judge

General Policy

The consideration in the use of force is the preservation of life and physical safety.

The objective of the use of force by authorized personnel is to establish and maintain lawful control in a timely manner to minimize the potential for injury to parties directly involved as well as others.

Control must be established:

for the safety of the officer and others in response to perceived danger.

when necessary to accomplish duties authorized by law.

The degree of force authorized is the degree necessary to establish lawful control in a timely manner. This degree of force depends upon the degree of danger or resistance perceived by the officer.

Deadly force is that degree of force likely to cause serious physical injury or death. Officers may employ deadly force as a last resort, when they perceive an immediate danger of loss of life or serious bodily injury.

Guidelines

Identification

If circumstances permit, the officer must make his/her identity as an enforcement officer known.

Warning

Whenever possible, the officer must exercise persuasion, advice and warning before using force. If such verbal

control would be (or is found to be) ineffective, the officer may use physical force to accomplish a lawful purpose.

Timeliness

Timely means "on time" and "not late." Officers need not wait for injury to occur to themselves or others before taking appropriate action to prevent it.

Use of Excessive Force

The use of excessive force is prohibited by Federal and State laws. Violation of these laws can carry both civil and criminal penalties. Officers will be held accountable for the use of force.

Purpose of Force

The purpose of any level of force shall be control and maintaining a level of advantage as defined by the Pennsylvania Crimes Code, 18 P. S. § 508, Use of Force in Law Enforcement.

Use of Force Model

"The Use of Force Paradigm for Enforcement and Corrections," as developed by John Desmedt of the Police Safety System, is formally adopted, subscribed and employed.

Use of Force Considerations

- a. Subject's immediate threat to safety.
- b. Subject's active resistance or attempt to escape.
- c. Severity of crime involved.
- d. An officer's ability to disengage.
- e. The circumstances existing at the moment force is used.
- f. The tactics employed by an officer that may have caused a use of force decision to become necessary.

Reasonable Control Guidelines

- a. Matching force to their resistance.
- b. Correctly applying techniques and equipment appropriate to that force level.
- c. Applying alternative options if tactics fail to establish control.

Less Than Lethal Weapons Policy

Less than lethal weapons may be used to overcome subjects who attack and/or resist attempts to establish lawful control by the officer.

Qualification to Carry Less Than Lethal Weapons

Intermediate weapons are authorized for carrying and use if:

1. Such weapons comply with standards established for such authorized weapons and
2. Each officer carrying such weapons has met the established training standard.

The dates and number of hours of all intermediate weapons training will be made a matter of permanent record.

Authorized Less Than Lethal Weapons

Less than lethal weapons are weapons other than firearms, designed to supplement or replace weaponless control methods. Less than lethal weapons allow the officer to lessen the possibility of direct violent contact with subjects. Less than lethal weapons are not intended to replace firearms because they may not be effective when the use of lethal force is necessary.

Impact Weapons

Impact weapons are weapons designed to establish control by means of mechanical impact.

Impact Weapons Guidelines

Do not direct impact weapon techniques to the head, neck, or spine unless the use of deadly force is appropriate.

As a general rule, do not draw an impact weapon in the presence of the public except when its use is expected.

An impact weapon can also be used as a control instrument when appropriate.

Control Instruments

Control instruments are instruments used in conjunction with weaponless control techniques to apply mechanical pressure to pain sensors, thereby effecting control. A control instrument is not intended to replace either a firearm or an impact weapon; it may not suffice to establish control when the use of an impact weapon or firearm is appropriate.

Control Instrument Guideline

Do not direct control instruments use to the neck unless the use of deadly force is appropriate.

Oleoresin Capsicum (OC)

Oleoresin Capsicum is a ground pepper mixture designed to temporarily render an individual incapable of continuing attack or resisting lawful authority.

OC Guidelines

OC should only be directed at the person to be controlled for the amount of time required to establish control.

The training standard for the use of OC will include instruction in:

1. The proper and improper use of the specific chemical agents as determined by statute, regulation and manufacturer recommendation.
2. Expected results of the use of OC.
3. Exposure to the effects of OC.
4. Procedure and first aid following the use of OC.

Handcuffing/Transporting

When an arrest is planned, two officers should be available for every subject that is to be arrested, when possible.

If a subject is handcuffed behind his back, officers shall not allow the subject to remain or wait on their abdomen. The subject should wait on their side or in other than the abdominal prone position. This is a precaution to prevent possible positional asphyxiation. Officers will check the handcuffs for appropriate fit, not too loose or too tight, prior to transporting. Transportation belts and/or leg irons may be used if the officer feels they are appropriate.

Officers are responsible for continuously monitoring arrestee for security and signs or symptoms of illness or injury while in custody.

Deadly Force

Deadly force is defined in the Pennsylvania Crimes Code, 18 P. S. § 501 as:

"Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury."

Serious Bodily Injury Definition

a. The legal definition of serious bodily injury is defined in the Pennsylvania Crimes Code, 18 P. S. § 2301 as:

“Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

b. The operational definition of serious bodily injury shall be as defined by the use of force model as:

- i. An open gash or wound;
- ii. Major broken bones; and/or
- iii. Damage to internal organs.

Deadly Force Policy

The use of deadly force by officers shall be strictly limited to defensive situations.

If appropriate, officers shall exhaust all other types of force before resorting to the utilization of deadly force.

When the use of deadly force is justified, officers discharging weapons shall not shoot to kill nor shoot to wound, but rather to stop the action by causing the instant incapacitation of the subject. For maximum stopping effectiveness and to minimize the danger to innocent bystanders, officers should shoot at center body mass.

Firearms shall not be drawn or displayed routinely during arrests, nor should they be used for any other reason other than as described above.

Officers shall not utilize deadly force in an offensive posture to effect the apprehension of those persons who commit violations of probation or parole, fail to pay child support, or any other law amounting to summary, misdemeanor or felony offenses, which do not present the threat of death or serious bodily injury. Nothing contained in this policy shall preclude the use of deadly force for self defense, when warranted.

Warning

Where practical in a deadly force situation, officers shall identify themselves as peace officers and give some type of warning prior to the use of deadly force, if the time and opportunity exists.

Requirements for Righteous Deadly Force

Accurately assessing a subject's imminent potential for attacking in a life threatening manner; the immediate and simultaneous existence of intent, weapon, delivery system and target.

Articulating why an officer feared for their life or the life of another when deadly force action was taken.

Explaining why a lower level of force was inappropriate and ineffective, and why disengagement was not possible.

Warning Shots

Warning shots are strictly prohibited under all circumstances.

Target Identification and Isolation

Officers facing a decision to use deadly force must be aware of any innocent third parties that may be present in or near the line of fire.

Officers are prohibited from discharging firearms when they cannot identify their target and it appears reasonable and likely that an innocent person(s) may be injured, unless the prohibition in discharging a weapon is likely to

result in the immediate death or serious bodily injury of the officer or another person.

Officers shall establish target identification and target isolation.

Shooting and Moving Vehicles

a. Officers shall not discharge a firearm at or from a moving vehicle except under the following conditions:

i. As a last resort measure of self-defense when the subject is using deadly force by means of other than the vehicle.

ii. As a last resort measure of self-defense when a vehicle is being driven in a manner deliberately intended to kill or injure an officer or other party.

b. In deciding to shoot at a moving vehicle, officers must take into account the following limitations and consequences:

- i. The difficulty of hitting a moving target.
- ii. The possibility of ricochets striking unintended targets.
- iii. Population densities.
- iv. The difficulty in penetrating the automobile body and/or steel belted radial tires.
- v. The inability to stop a vehicle's momentum even when the target actor is hit.
- vi. The possibility of damage or injury which might result from causing the vehicle to go out of control.

Firearms Policy**Home Safety**

It is essential that the officer assigned to carry a firearm instruct his/her family members in the proper use and handling of the firearm. It should be made perfectly clear that the firearm is not to be handled by any one other than the officer or a mature adult. The officer is responsible to educate his family members on the safety and proper handling of the firearm. All firearms should be kept out of the reach of children and immature or irresponsible adults and stored in a secure area. Older children may be given gun instruction with the extent of the training being dependent on the child's maturity and judgement of the parents.

Immediately upon entering your residence, the firearm should be unloaded, the magazine removed from the firearm and the firearms and equipment stored in a secure area. Officers are encouraged to store the ammunition, magazines and the firearm in different areas. The firearm must not be left unattended and accessible while in the residence. It shall be the responsibility of the officer to ensure that the firearm is properly secured in his/her residence.

The firearm should be kept beyond the reach of small children. A locked cabinet or drawer would be acceptable. Also, the firearm and its ancillary equipment should be stored in separate areas, but always in the same location.

Firearms shall not remain loaded while in the residence. The officer shall immediately unload the weapon when he/she enters the residence. All ammunition should be kept in a safe location away from the weapon. Also, the ammunition should be stored in a cool, dry place to prevent deterioration.

As a suggestion, a trigger guard lock will secure the firearm from accidental discharge. The key to the trigger guard should be kept on the officer's person at all times.

The officer shall not leave his duty weapon unattended while in his residence. The weapon must be secured at all times.

Requirement to Notify the Department of Physical and Pharmacological Conditions Affecting the Ability to Carry a Firearm

Officers shall notify their immediate supervisor of any physical or pharmacological conditions causing physical and/or emotional impairment. Impairment shall be defined as a condition which can affect judgement, reaction time or motor skills as it may affect the ability to handle a firearm safely.

In those instances where an officer believes and/or medical personnel indicate that a medication may affect judgement and/or reaction time, authorization to carry a firearm shall be suspended. Authorization shall be reinstated upon the cessation of the medication and its effects or with a physician's ruling that the medication's potential contraindications would not be aversive to handling a firearm safely and proficiently.

Prohibited Use of Officially Issued Firearm

Issued firearms may be used only for official purposes. Employees who use issued firearms for other than officially authorized purposes shall be subject to disciplinary action.

Display of Firearm

A firearm may be displayed or drawn only when the employee must prepare for its immediate use. Employees will not unnecessarily display firearms in the presence of the public. Personnel will guard against accidentally exposing firearms, whether worn or carried in a bag or case.

Carrying Firearms While on Duty

Personnel authorized to carry firearms shall carry only firearms which were issued or with which they have qualified.

Firearms Standards and Specifications

Agency issued handguns will be left to the discretion of each department. Officers may carry personal handguns, providing they meet the qualification standards necessary and the handgun is approved by the firearms training officer.

Carrying/Deploying Shoulder Weapons

Employees are authorized to carry only shoulder weapons when officially assigned or permitted to do so. Shoulder weapons are not authorized for off duty use.

Holsters and Other Firearms Carrying Devices

Personnel, who are authorized to carry handguns, may carry them in holsters of their choosing providing that the holster:

1. is designed for that handgun to be carried,
2. has a keeper with a positive retaining device, and
3. is positively secured to the employee's area.

Personnel will not carry handguns in briefcases or purses while on duty except when necessary to accomplish their assignment.

Firearms Security and Accountability

Employees are directly responsible for the safety and security of authorized firearms. Employees may be required to reimburse the County for the costs of lost or damaged firearms if:

1. an official investigation establishes that the employee is negligent or otherwise at fault, and
2. it is administratively decided that reimbursement is to be made.

Failure to safeguard or otherwise secure firearms may result in disciplinary action.

Procedures Following Discharge of Firearms

Employees shall report all discharges of firearms (except for training or qualification purposes) to their immediate supervisor.

Employees shall file a written incident report immediately following the discharge.

The police that have jurisdiction over the area where the firearm was discharged will be notified immediately.

The employee shall immediately surrender the firearm involved to their supervisor or requesting police officer.

Storage of Firearms

Firearms will be stored unloaded in a locked container. Ammunition will be stored separately from firearms. This applies to storage in the office, the employee's place of residence, and any other location that the employee may have need to store a firearm.

Procedures for Loss, Theft, and Disposal of Firearms

Employees must report the loss or theft of an issued or auxiliary firearm to their immediate supervisor.

This report must be made within 24 hours of the loss by telephone or in person. The initial notification will be followed immediately by a written report describing the circumstances surrounding the loss or theft of the firearm.

The employee should take immediate reasonable action to recover the firearm and to obtain all information available to aid in the investigation and recovery of the firearm. Employees must seek assistance from the appropriate law enforcement agency as soon as possible.

Inspection and Maintenance of Firearms

Cleaning of Firearms

Employees are responsible to clean and lubricate handguns issued to them after each use or whenever the handgun has been subjected to moisture or dirt. Employees that carry a handgun other than the issued handgun, must ensure that the firearm is cleaned and functional.

Firearms with mechanical problems that cannot be corrected by routine cleaning must be taken out of service and sent to a qualified armorer for repair.

Ammunition Standards

Employees will carry only ammunition that is issued.

Security and Storage of Ammunition

Ammunition should be secured separately from firearms in a locked, cool, dry cabinet, vault or storeroom accessible only to authorized personnel.

Employees are issued a box of ammunition upon successful qualification. This box is to be used for the next year's qualification to ensure minimal deterioration.

Firearms Training

Firearms Training and Qualification Standards

All firearm carrying personnel are required to score at least 75% on all qualification courses.

Initial Firearms Qualification Requirements

Newly hired employees do not have authority to carry or discharge firearms until successfully completing basic firearms training.

Upon successful completion of the relevant basic training course, employees will be authorized to carry and discharge firearms in accordance with Carbon County policies.

Firearms Requalification Standards

All firearms carrying personnel are required to score at least 75% on all qualification courses. All firearms carrying personnel must requalify with firearms they are authorized to carry annually.

Firearms Training Records

Firearms instructors will record all firearms training scores in a permanent file.

Body Armor

Firearms carrying personnel are encouraged to use body armor during planned arrest, warrant service and other activities which present risk of subjects possessing firearms. However, authorizing officials or their designees may make the wearing of body armor mandatory under conditions they deem appropriate. Firearms carrying personnel should be familiar with the ballistic protection capability of their body armor.

Reports

A Subject control report will be completed whenever an officer is compelled to use force on a subject who, on the use of force model, is a resister or assailant; or upon the request of a supervisor.

A Subject control report will be completed within 24 hours of occurrence of the incident when practical. If circumstances do not permit the report to be completed within 24 hours, it should be completed as soon as circumstances permit.

Debriefing

A debriefing is a structured meeting held after the incident, either in a one on one situation or in a small group. The individual or group should evaluate the performance of the officer and take corrective action as needed. Debriefing is a concise review or an event, conducted by all participating department and ancillary agencies (as required). The process of reviewing all aspects of an event, by all participants, to assess strengths, weaknesses, problems and concerns relevant to the actions employed in correlation to anticipated and actual outcomes.

[Pa.B. Doc. No. 96-2007. Filed for public inspection November 29, 1996, 9:00 a.m.]

CRAWFORD COUNTY**Adoption of Civil Rule of Court LJA1901A: Content of List****Order**

And Now, November 1, 1996, it is ordered and directed that Rule LJA1901A entitled "Content of List" of the Crawford County Civil Rules of Court be amended to read as follows:

Rule LJA1901A. Content of List.

The Prothonotary shall compile a list of inactive cases as of January 1 of each year comprised of all civil action matters in which no steps or proceedings have been taken for two (2) years or more prior thereto. A date for termination of these inactive cases shall be set forth each year on the Court Calendar.

This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all civil proceedings pending at that time.

It is further ordered and directed that, in accordance with Pa.R.C.P. 239, seven (7) certified copies of this rule shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be forwarded to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and one (1) certified copy shall be filed with the Domestic Relations Rules Committee.

By the Court

GORDON R. MILLER,
President Judge

[Pa.B. Doc. No. 96-2008. Filed for public inspection November 29, 1996, 9:00 a.m.]

COURT OF JUDICIAL DISCIPLINE

Court Sessions; Doc. No. 1 JD 94

Order

And Now, this 12th day of November 1996, it is hereby *Ordered* that the sessions of the Court of Judicial Discipline shall be held in the year 1997 as follows:

January 21—24

March 18—21

May 20—23

September 16—19

November 18—21

By the Court

JOSEPH F. MCCLOSKEY,
President Judge

[Pa.B. Doc. No. 96-2009. Filed for public inspection November 29, 1996, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT**Notice of Disbarment**

Notice is hereby given that A. George Glasco, a/k/a Alphonz George Glasco having been disbarred from the practice of law in the State of California, the Supreme Court of Pennsylvania issued an Order dated November 13, 1996 disbaring A. George Glasco, a/k/a Alphonz

George Glasco from the practice of law in this Commonwealth, to be effective December 13, 1996.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 96-2010. Filed for public inspection November 29, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 29]

[L-930090]

Limousine Service Supplemental

The Pennsylvania Public Utility Commission (Commission) adopted a final rulemaking order June 6, 1996, regarding what constitutes a luxury-type vehicle eligible for use in limousine service. Further, the regulations require limousine operators to carry trip-sheets with relevant information. These trip sheets will aid the Commission in its enforcement endeavors. The contact person is John Herzog, Assistant Counsel, Legal Division, Bureau of Transportation and Safety, (717) 783-3173.

Executive Summary

By order entered February 24, 1994, the Commission initiated a proposed rulemaking to amend and supplement its regulations regarding limousine service. The proposed rulemaking was intended to better define what constitutes a limousine, to exempt all vehicles licensed as limousines from identification markings with the exception of vehicle plates as prescribed by 75 Pa.C.S. § 1925.1, to revise existing tariff requirements, and to add a trip sheet requirement. Comments to the rulemaking indicated that some of the proposed changes were not in the public interest and may be unduly burdensome to the limousine industry. The Commission addressed these comments in its Final Rulemaking and modified the proposed regulations where appropriate. Significantly, the Commission eliminated proposed tariff changes from the rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 24 Pa.B. 4111, and served on August 3, 1994, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee 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 comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs and were approved by the Senate Committee on Consumer Protection and Professional Licensure on October 3, 1996, and were approved by IRRC on October 3, 1996, in accordance with section 5(c) of the Regulatory Review Act.

Public meeting held June 6, 1996

Commissioners present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson, Dissenting—Statement follows; John Hanger, Statement follows; David W. Rolka, Concurring and Dissenting in part—Statement follows; and Robert K. Bloom

Order

By the Commission:

By order entered February 24, 1994, the Commission initiated a proposed rulemaking to amend and supplement its regulations regarding limousine service. The purpose of the rulemaking was to better define what constitutes limousine service, to ensure that only qualified service is provided under limousine authority, to provide documentation to the Commission useful in investigations and rate filings, to more clearly delineate limousine service from call-or-demand service, and to aid the Commission and the industry in interpreting and applying limousine regulations.

On April 14, 1994, the Office of Attorney General issued its approval of the proposed regulations as to form and legality. On August 3, 1994, copies of the proposed regulations 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 August 13, 1994 edition of the *Pennsylvania Bulletin*, 24 Pa.B. 4111.

Comments to the proposed rulemaking were filed by IRRC, Mortuary Removal Service, Inc., Top Hat Chauffeur Limousine Services, Erie Limousine Service, Delaware Valley Limousine Operators Association, Inc., North Eastern Limousine Association, Landis Luxury Coaches, The Brotherhood of Unified Taxi Drivers/Owners, King Limousine and Transportation Service, Inc., Acumen Limousine Service, Boston Coach, Western Pennsylvania Limousine Association, Philadelphia Convention & Visitors Bureau, CoreStates Bank, N.A., Executive Transportation, Inc., Posten Taxi, Inc., and Liberty Limousine. Due to the large number of commentators, we will not discuss each comment individually. Instead, we will discuss the proposed amendments section by section, referring to the relevant comments for the particular provision under consideration.

§ 29.333. Vehicle and equipment requirements.

(a) Limousine service may be operated only in luxury type vehicles with seating capacities of [10] *nine* passengers or less, excluding the driver.

The Commission's motivation for reducing the allowable seating capacity for limousine service was to reconcile the Commission's regulations with the Motor Vehicle Code. While some commentators indicated that they are already complying with the proposed change, comments regarding this change were generally negative. Comments indicated that "super stretch" limousines have passenger seating capacities of ten. These vehicles, currently utilized by limousine operators, would be excluded from limousine service under the proposed change. One commentator suggested that limousines should have a seating capacity of no less than nine passengers.

We are in agreement with the majority of the commentators that reducing the seating capacity for limousine service is not warranted. While this means that a discrepancy will remain between the Commission's definition of a limousine and the definition found in the Vehicle Code, this discrepancy does not justify changing the existing regulation. This necessarily implies that some vehicles recognized by the Commission as limousines will not be able to get a limousine license plate from PennDOT. This alone does not make these vehicles anything other than a limousine.

(b) Luxury type vehicles are vehicles which at the time of acquisition or with subsequent modifications have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit and airport transfer services. To qualify as a luxury type vehicle, a vehicle shall have at a minimum: air conditioning, AM/FM cassette stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are reading lights, work desk or table, cellular phone, refrigerator, television, VCR, extended wheelbase and privacy dividers. Vehicles classified as antique or classic motor vehicles as defined by 75 Pa.C.S. § 102 (definitions) can be deemed luxury type vehicles. Station wagons and all purpose vehicles may not be considered to be luxury type vehicles. Vans that meet the luxury type vehicle standards may be considered luxury type vehicles.

Comments to this proposed amendment were generally supportive of the need for clarification of what constitutes a luxury-type vehicle. However, commentators objected to inclusion of an AM-FM cassette radio as required equipment, reasoning that rarely do customers ask for such a service. Further, commentators objected to the blanket exclusion of station wagons and all purpose vehicles from the definition of luxury-type vehicle. IRRC commented that the first sentence of the proposed regulation should be altered to change the focus from the acquisition date of the vehicle to the manufactured date of the vehicle to determine if the vehicle qualifies as a limousine.

We agree with all of the comments and have modified the regulation accordingly. However, we will require that all luxury type vehicles have an AM/FM stereo radio.

(c) Prior to the vehicle's operation, the vehicle shall first be described in a written communication with one interior and one exterior photograph of each vehicle sent to the Bureau of Transportation, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The vehicle description shall include the vehicle make, vehicle model, vehicle type (such as sedan), year of manufacture and a list of features which would qualify the vehicle as a luxury type vehicle. Letters of explanation may be included.

Comments on this provision were generally negative. Commentators were concerned that requiring Commission approval of a vehicle prior to placing the vehicle in service would create undue delay and expense. Commentators alleged that an operator can not make a significant capital outlay for a vehicle without knowing if that vehicle can be used in service. Also, comments indicated that two photographs may not be sufficient to meet the Commission's objective.

As an alternative to the Commission's proposal, it was suggested that the Commission publish an annual list of vehicles which will automatically qualify as luxury-type. Further, it was suggested that operators provide the Commission with an updated list of all current and newly acquired vehicles.

Based on the foregoing, we will not require Commission preapproval of a vehicle prior to that vehicle being placed in limousine service. Also, in an effort to minimize the

regulatory burdens on the industry, we will not require that operators provide a vehicle list to the Commission. We do not believe that deleting this proposal significantly compromises our ability to protect the public interest. We will provide the industry with a listing of vehicles which qualify as luxury type vehicles. A vehicle being placed on that list creates a prima facie case that it is a luxury type vehicle. A copy of this list will be kept at Commission offices and will be available upon request.

[(b)] (d) Section 29.71(a) (relating to marking of vehicles) does not apply to [luxury-type] luxury type vehicles [with a capacity not to exceed seven passengers when] engaged in limousine service under [§§ 29.331—29.334] §§ 29.331—29.335 (relating to limousine service). Vehicles licensed as limousines are required to be identified by vehicle plates as prescribed by 75 Pa.C.S. § 1925.1 (relating to limousines).

Comments on this provision indicated that requiring limousine plates on vehicles operating as limousines may be problematical, due to the conflict between the Commission's definition of limousine and the Vehicle Code's definition. Notwithstanding this problem, IRRC suggested that the proposed § 29.333(d) be retained, but amended by adding additional identification requirements for a special decal or emblem to be visibly displayed on the rear shelf area or affixed to the rear window on those luxury type vehicles unable to obtain limousine license plates.

The Commission's regulations provide that a limousine is a luxury type vehicle with a seating capacity of ten passengers or less. The Vehicle Code provides that a limousine is a motor vehicle with a seating capacity of nine passengers or less, 75 Pa.C.S. § 102. Vehicles which do not fall within the Vehicle Code's definition of "limousine" will not be issued limousine registration plates. 75 Pa. C.S. § 1925.1. The discrepancy between the Vehicle Code's definition of limousine and the Commission's definition results in some vehicles operating in authorized limousine service without having limousine registration plates.

We do not believe that this licensing problem is sufficiently widespread to mandate additional identification requirements for those limousines unable to obtain limousine license plates. Therefore, we will not amend § 29.333(d) as suggested by IRRC. Further, we will delete our proposed language that "all vehicles licensed as limousines are required to be identified by vehicle plates," since this will be impossible for those limousines having seating capacities of ten passengers.

§ 29.334. Tariff requirements.

[Limousine rates may be based on mileage or time, or both, and shall be contained in a tariff filed, posted and published under statute and under title.]

(a) Primary rate structures for limousine service shall be based on time. Primary rate structure means the method principally used by the carrier to calculate the amount to be paid by its patrons for service rendered. However, supplemental charges based on mileage may be assessed and added to the primary rate structure charge in situations where round trip mileage exceeds 100 miles.

(b) Limousine service shall be subject to a minimum charge provision as established and set forth in the carrier's tariff. The minimum charge may not be less than the charge for 1 hour at the rate set forth in the respective primary rate structure.

(c) Rate levels which are based upon the nature of the vehicle provided (such as regular limousine, stretch limousine, luxury van, luxury sedan, classic vehicles) shall be fully detailed in the carrier's tariff.

(d) Charges for nontransportation services may not be contained in the carrier's tariff.

(e) Limousine tariffs are to be filed, posted and published in accordance with other pertinent provisions of Subpart A and this subpart (relating to general provisions). Financial justification and other supporting documentation shall be submitted when tariffs are filed.

Comments on this provision were mixed. Some limousine operators supported the provision as drafted. Other operators objected, claiming that the hourly rate structure and minimum charge are unduly burdensome. Also, two noncarrier operators, the Philadelphia Convention & Visitors Bureau and CoreStates Bank, N.A., opposed both the proposed rate structure and the minimum charge. These commentators indicated that the proposals would only serve to increase the costs of limousine service to the public, since most of their trips were far less than 1 hour and the trips were generally local trips within Philadelphia.

The proposed tariff changes were designed to establish a clearer differentiation between limousine and taxicab services. There apparently is some overlap between these services. This problem is especially acute in the Philadelphia area for trips to and from the airport. In *Pa. P.U.C. v. Metro Transportation Co.*, Docket No. I-00940030, Order entered July 21, 1995, we ordered an investigation into the competition between limousine services and taxicab services. In that proceeding, we recognized that there may be some allowable overlap among the various types of passenger transportation. We noted, within the context of that proceeding, that the taxicab industry is withstanding competition fairly well. Further, in that proceeding we approved a limousine tariff that was mileage based.

Based on the foregoing, we find that changing the tariff structure as proposed would not be in the best interests of the riding public. We will not penalize the public in order to referee a dispute between taxicabs and limousines. Obviously, the limousines are providing a service for a price that the public wants. It is not proper for us to increase that price to the public for the sole purpose of protecting a competing industry. 66 Pa.C.S. § 1311(d). At some point, the marketplace must dictate whether there is sufficient demand for a particular type of transportation. We will not frustrate the workings of the marketplace by establishing a limousine tariff structure that would only serve to increase costs of limousine service to the public. We believe that there are sufficient means of differentiating limousine and taxicab service beyond implementation of a tariff structure that would negatively impact the availability of limousine service for the riding public. Therefore, we will eliminate the proposed tariff provision from the rulemaking.

§ 29.335. *Trip sheet requirements.*

(a) A driver of a luxury type of vehicle engaged in limousine service shall have a trip sheet in the vehicle evidencing that the vehicle is in service. The trip sheet shall contain the following information:

(1) The date of service.

(2) The name of the certificated carrier.

(3) The name of the engaging person or organization.

(4) The service being provided and the corresponding rate being charged.

(5) The intended destination.

(6) The starting time and length of time for which the vehicle has been reserved.

(7) The initial odometer reading.

(b) At the conclusion of the trip, the driver shall record the ending time and final odometer reading on the trip sheet.

(c) The trip sheet shall be retained by the certificate holder for at least 2 years. Copies of these documents may be required to be submitted in support of carrier proposed tariff rate increases in addition to other documentation set forth in § 23.64 (relating to data required in filing increases in operating revenues).

Comments to this provision were generally favorable. Some limousine operators supported the adoption of this provision without revision. Other operators commented that the trip sheets would create too much paperwork and objected to retaining the sheets for 2 years. Further, one limousine operator commented that requiring the trip sheet be kept in the vehicle during service is untenable, since many limousine trips do not originate at the home office and therefore the driver cannot get a trip sheet.

Based on these comments, we will modify the proposed regulation to require limousine operators to retain trip sheets for 1 year. Further, we are not persuaded that requiring drivers to keep trip sheets in the vehicle during service is overly burdensome. The information required on the trip sheet is basic background information. Certainly, a driver in communication with the home office is capable of providing this information at the time the driver is dispatched.

Finally, in our order proposing these regulations, we requested commentary on the implementation of a voucher system. Under this system, the service provider would issue vouchers to clients for use in paying for service rendered in accordance with previously established billing arrangements. The comments on this proposal were negative. The information to be provided on the voucher would now be required on a trip sheet. Further, this method of payment could be restrictive, unnecessarily displacing other legitimate payment methods. Therefore, we will not pursue the voucher payment system at this time.

Having considered all comments filed to the proposed rulemaking, we believe the regulations as set forth in Annex A should be adopted as the final rulemaking.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501 and the Commonwealth Documents Law (45 P.S. § 1201 et seq.), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we find that regulations governing limousine service shall be amended. *Therefore,*

It is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapter 29, are amended by amending §§ 29.331 and 29.333 and by adding § 29.335 to read as set forth in Annex A.

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

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

4. 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 by the Independent Regulatory Review Commission.

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

6. The Secretary shall serve copies of this order and Annex A upon each of the commentators.

7. These amendments shall become effective January 29, 1997.

JOHN G. ALFORD,
Secretary

(Editor's Note: The amendment of § 29.331 (relating to conditions) was not included in the proposal at 24 Pa.B. 4111 (August 13, 1994). The proposal to amend § 29.334 (relating to tariff requirements), included at 24 Pa.B. 4111, has been withdrawn by the Commission.

Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5181 (October 26, 1996).

Fiscal Note: 57-144. No fiscal impact; (8) recommends adoption.

Statement of Vice Chairman Lisa Crutchfield

Limousine service, like any other passenger transportation service, is in dire need of regulation. When a passenger hires a taxicab, paratransit service, bus, or limousine service to transport her to a specific location, she trusts that the appropriate authorities have fulfilled their obligation to ensure that the vehicle is safe, that the driver is charging a nondiscriminatory fare and that the driver is licensed and is a nonthreatening professional.

The Pennsylvania Public Utility Commission, pursuant to the Public Utility Code, is the governmental agency empowered with the responsibility to ensure that the limousine industry transports passengers safely and at reasonable prices. To fulfill our responsibility, it is incumbent upon this Commission to maintain an updated list of all authorized vehicles providing service as limousines in this Commonwealth, and it is also imperative that those vehicles be appropriately marked as vehicles that have been approved by the Commission and the Commonwealth's Department of Transportation. The Department of Transportation, however, only issues limousine license plates to motor vehicles carrying no more than nine passengers. 75 Pa.C.S. § 102. If the limousine has the capacity to carry more than nine people, it will be issued a bus license plate. The Commission's regulations, however, provide for a limousine to carry up to 10 passengers; consequently, a problem arises when a passenger complains with the Commission regarding the fare or service received in a vehicle which we deem to be a limousine, but the motor vehicle has a license plate indicating it as a bus. There needs to be a clear indication through a decal or through the license plate of the type of vehicle and service the passenger is obtaining. I believe the Commission should issue a decal when it provides this class of vehicles with its certificate of public convenience.

When I get into a taxicab, I assume it is safe because it is appropriately identified by the markings on the car and by the medallion. When a passenger gets into a bus or a

paratransit vehicle, they assume it is safe because of the appropriate markings and the license plates. I believe it is imperative that the limousine industry be required to comply with the same regulations. In light of my concerns regarding all passengers' safety, I cannot support Chairman John Quain's motion.

Statement of Commissioner John Hanger

Strong arguments exist for modifying the existing economic regulation of the limousine and bus industries in Pennsylvania. I, however, do not support ending safety and insurance regulation of these two industries.

The Commission's role to ensure safety in public transportation and public utility service is vital. It is a proper role of government and should not be compromised. This Commission must continue to enforce vigorously the safety and insurance requirements of the Public Utility Code.

Statement of Commissioner David W. Rolka

The Chairman has offered a Motion which rejects the amendment of two provisions under § 29.333.

The first is found at § 29.333(c). As proposed, the amendment would require limousine operators to submit a vehicle identification list, to be updated annually and as new vehicles are acquired, which provides a complete description of all vehicles being used to provide service. Because this rulemaking gives us a detailed definition of what constitutes a "luxury type" vehicle, having such a list on file will be an aid in updating our own list of vehicles that fall within the definition and will provide some measure of surveillance of our insurance requirements.

The second amendment, at § 29.333(d), would require the letters "LM" to be affixed to the rear window of luxury type vehicles that are unable to obtain limousine plates under 75 Pa.C.S. § 1925.1. This requirement would be restricted to vehicles which are not identified by limousine license plates, and I believe providing easier identification actually will enhance enforcement efforts.

I believe these two provisions would streamline our enforcement efforts and must respectfully dissent on the Chairman's Motion.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

**Subchapter D. SUPPLEMENTAL REGULATIONS
LIMOUSINE SERVICE**

§ 29.331. Conditions.

This section and §§ 29.332—29.335 (relating to limousine service) apply to operations in the limousine class of common carriage. These sections apply in addition to relevant provisions of Subchapters A and B (relating to general provisions; and common carriers) as well as a particular provision contained in a certificate of a carrier.

§ 29.333. Vehicle and equipment requirements.

(a) Limousine service may be operated only in luxury type vehicles with seating capacities of ten passengers or less, excluding the driver.

(b) Luxury type vehicles are vehicles manufactured or subsequently modified so that they have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit, and airport transfer services. To qualify as a luxury type vehicle, a vehicle shall have at a minimum: air conditioning, AM/FM stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are AM/FM cassette stereo radio, reading lights, work desk or table, cellular phone, refrigerator, television, VCR, extended wheelbase and privacy dividers.

(c) Section 29.71(a) (relating to marking of vehicles) does not apply to luxury type vehicles engaged in limousine service under this section and §§ 29.331, 29.332, 29.334 and 29.335 (relating to limousine service).

§ 29.335. Trip sheet requirements:

(a) A driver of a luxury type vehicle engaged in providing limousine service shall have a trip sheet in the vehicle evidencing that the vehicle is in service. The trip sheet shall contain the following information:

- (1) The date of service.
- (2) The name of the certificated carrier.
- (3) The name of the engaging person or organization.
- (4) The service being provided and corresponding rate charged.
- (5) The intended destination.
- (6) The starting time and length of time for which the vehicle has been reserved.
- (7) The initial odometer reading.

(b) At the conclusion of the trip, the driver shall record the ending time and final odometer reading on the trip sheet.

(c) The trip sheet shall be retained by the certificateholder for a minimum of 1 year. Copies of the documents may be required to be submitted in support of carrier proposed tariff rate increases in addition to other documentation in § 23.64 (relating to data required in filing increases in operating revenues).

[Pa.B. Doc. No. 96-2011. Filed for public inspection November 29, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 30]

[L-940092]

Taxicab Medallion Program

At a public meeting held May 23, 1996, the Pennsylvania Public Utility Commission (Commission) adopted an order which promulgated a final rulemaking to provide a medallion system of regulation for call or demand carriers (taxicabs) in cities of the first class under the Public Utility Code, 66 Pa.C.S. §§ 2401—2416. These amendments provide for specific equipment and reporting requirements and contains enforcement and administrative

provisions. The contact person is John Herzog, Assistant Counsel, Legal Division, Bureau of Transportation and Safety, (717) 783-3173.

Executive Summary

Under the act of April 4, 1990 (Medallion Act) (P. L. 93), the Public Utility Code was amended to provide a medallion system of regulation for call or demand carriers (taxicabs) in cities of the first class under Chapter 24 to the Public Utility Code, 66 Pa.C.S. §§ 2401—2416. The Medallion Act became effective July 3, 1990. The purpose of the Medallion Act was to upgrade and improve the operations of taxicabs in cities of the first class.

The amendments are in response to that Legislation. They provide for specific equipment and reporting requirements and contain enforcement and administrative provisions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 25 Pa.B. 1517 (April 22, 1995) and served on April 11, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee 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 the comments received, as well as other documentation.

In preparing these final-form regulations, the Commission has considered the 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 2, 1996, and were approved by the Senate Committee on Consumer Protection and Professional Licensure on September 25, 1996, and were approved by IRRC on October 3, 1996, in accordance with section 5(c) of the Regulatory Review Act.

Public meeting held
May 23, 1996

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

Order

By the Commission:

By order entered November 9, 1994, the Commission initiated a proposed rulemaking to amend and supplement its regulations regarding taxicab service in cities of the first class. Under the Medallion Act, the Public Utility Code was amended to provide for a medallion system of regulation for taxicabs in cities of the first class. The purpose of the Medallion Act was to upgrade and improve the operations of taxicabs in cities of the first class.

Section 2404(a) of the Medallion Act, 66 Pa.C.S. § 2404(a), directs the Commission to establish regulations pertaining to taxicab inspection and recording requirements in cities of the first class. Section 2409 of the Medallion Act, 66 Pa.C.S. § 2409, provides for the establishment of a driver certification program for drivers of taxicabs in cities of the first class. Further, section 2412 of the Medallion Act, 66 Pa.C.S. § 2412, provides that the Commission may prescribe such rules and regulations as it deems necessary to govern the regulation of taxicabs in cities of the first class. In accordance with 66 Pa.C.S.

§§ 2404(a), 2409 and 2412, the Commission instituted this rulemaking to propose additional regulations which apply specifically to call or demand carriers operating in cities of the first class.

On March 31, 1995, the Office of Attorney General issued a conditional approval of the proposed amendments as to form and legality. On April 11, 1995, 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 at 25 Pa.B. 1517.

Despite service of the proposed rulemaking on all medallion holders, comments to the amendments were limited to IRRC and the Democratic and Majority Chairpersons of the House Consumer Affairs Committee. We will address these comments seriatim, citing the specific section of the proposed amendments and the accompanying comment.

§ 30.13. Notices of lien.

* * * * *

(e) A person who obtains a judgment against a medallion holder may substitute a certified copy of the judgment for a Notice of Lien. The copy of the judgment shall be supplied with the names of the medallion holder and the judgment creditor, and address of the judgment creditor from which information concerning the judgment may be obtained, a mailing address of the medallion holder and the medallion number held by the medallion holder. The judgment creditor shall serve a copy of the judgment upon the medallion holder. The certified copy of judgment shall act as a Notice of Lien for Commission purposes only and shall not relieve a person from the requirements set forth under 42 Pa.C.S. §§ 3101—3260 (relating to the enforcement of money judgments for the payment of money).

IRRC commented that the Medallion Act may preclude the substitution of a certified copy of a judgment for a notice of lien. IRRC also submitted that a certified copy of a judgment is not the same as a notice of lien since the application of a lien does not automatically follow the issuance of a judgment. IRRC supported the Commission's efforts to streamline the administrative process, but believed that this particular proposal is precluded by the Medallion Act.

The Medallion Act provides, in pertinent part: . . . All lenders or creditors who accept a medallion as security shall file with the commission a notice of lien which describes the transaction. A lien on a medallion is void by operation of law unless a notice of lien is filed with the commission. . . .

66 Pa.C.S. § 2403(a). (Emphasis added.) We agree with IRRC that a certified copy of a judgment is not identical to a notice of lien, as contemplated by the Medallion Act. Further, a lien does not necessarily attach to personalty by virtue of a judgment. 42 Pa.C.S. § 4303. Therefore, we withdraw this particular provision. A judgment creditor can make appropriate filings under the existing statutory and regulatory provisions.

§ 30.31. Vehicle equipment requirements.

* * * * *

(6) A vehicle shall be equipped with a sealed meter that satisfies the requirements stated in § 29.314 (relating to vehicle and equipment requirements), and is calibrated in accordance with the approved tariff [and is].

(i) The meter shall be able to pass an accuracy test given by a Commission enforcement officer.

(ii) Upon passing the accuracy test, a Commission numbered seal will be placed on the meter by a Commission enforcement officer. A taxicab may not operate without this Commission seal. If the seal become broken or damaged, carriers are required to immediately have the seal replaced by the Commission.

* * * * *

(11) A vehicle shall be marked, painted and designed in accordance with §§ 29.71(a) and (c) and 29.103 (relating to marking of vehicles; and simulating color or design). A vehicle shall also have painted or securely affixed on each side its medallion number in the same dimensions as that prescribed by § 29.71(a). Vehicle markings shall be removed in accordance with § 29.72 (relating to removal of markings).

IRRC commented that the word "immediately" in the proposed section in paragraph (6)(ii) is vague and may be difficult to comply with in the event that the seal would be broken during late evening hours or weekend hours when the Commission's office is likely to be closed for business. IRRC suggested that "immediately" be replaced with the phrase "no later than the next day of business at the PUC." IRRC also commented that paragraph (11) is vague to the extent that "securely" is capable of various interpretations.

We disagree with IRRC's comment regarding paragraph (6)(ii) of the proposed regulation. To adopt IRRC's proposal would invite fraud on the public by unscrupulous operators. The word "immediately" is not vague and accomplishes our purpose. However, we will modify this provision somewhat to reflect our concern that a taxicab with a broken seal on its meter be immediately removed from service. As for paragraph (11) we agree with IRRC's comment and modify the regulation accordingly.

§ 30.33. Inspection of vehicles.

* * * * *

(c) Inspection after issuance, reissuance or transfer of a medallion. Vehicles bearing medallions shall be subject to additional inspections to ensure continued compliance with the vehicle equipment safety requirements of §§ 30.31 and 30.32, as follows:

* * * * *

(6) A Commission enforcement officer or a police officer employed by a city of the first class may order a vehicle which has been placed out-of-service for safety violations to be reinspected by a Commission enforcement officer to ensure compliance with §§ 30.31 and 30.32. If the vehicle is not in compliance with § 30.31 or § 30.32, the medallion will be removed from the vehicle and held by the Commission until the vehicle does comply with the requirements of §§ 30.31 and 30.32. If the vehicle does not comply within 6 months, the Commission may suspend the certificate of public convenience of that medallion holder and issue an Order to Show Cause why that certificate of public convenience should not be cancelled.

IRRC questioned the Commission's authority to remove the medallion and suspend the certificate prior to notice and hearing. IRRC stated the Medallion Act provides that medallions are property and therefore protected by due

process principles. Likewise, a certificate of public convenience is a valuable privilege or right in the nature of property and is safeguarded by due process principles. IRRC believed that removing the medallion and suspending the certificate prior to notice and hearing could be violative of procedural due process.

In order to provide taxicab service in cities of the first class, one needs to obtain a certificate of public convenience from the Commission. See 66 Pa.C.S. §§ 2402—2404. A medallion is then issued which corresponds to that certificate. See 66 Pa.C.S. §§ 2402—2404. The Medallion Act provides that medallions are property. See 66 Pa.C.S. § 2403(a). The medallion is a piece of metal attached to the hood of a taxicab. See 52 Pa.Code § 30.2. Its primary function is to provide ready identification of a vehicle as being authorized to provide call or demand service. It has no intrinsic value beyond the licensing right it represents.

The Commission may suspend the operating privileges of any carrier without a hearing if its continued operations pose an immediate threat to the public safety. The primary concern of the Commission is to remove unsafe vehicles from public utility service immediately. However, suspending the operating privileges of a carrier is different from suspending the carrier's certificate of public convenience. We agree with IRRC that notice and hearing should be provided prior to suspension of a carrier's certificate of public convenience.

We disagree with IRRC's comment regarding the Commission's authority to remove a medallion from a vehicle that has already been placed out-of-service due to safety violations.¹ As noted above, the medallion, albeit property, has no intrinsic value beyond the licensing right it represents. A medallion holder has no use for a medallion beyond its affording him the opportunity to provide call or demand service. In the situation when a vehicle has been placed out-of-service, the medallion holder has no immediate or legitimate use for the medallion since he cannot operate the vehicle, with or without a medallion. By removing the medallion until the vehicle meets Commission safety requirements, the medallion holder loses nothing.

The removal of a medallion from a vehicle that's been deemed unsafe and placed out-of-service aids the Commission in its enforcement efforts. The vehicle in question will be readily identifiable to Commission enforcement officers and the public as not being authorized to provide taxicab service. The removal of the medallion will prevent unscrupulous operators from continuing to operate equipment that is unsafe.

We are cognizant that, as a general rule, an individual must be given the opportunity for a hearing before he is deprived of any significant property interest. *Shah v. State Board of Medicine*, 139 Pa.Cmwlth. 94, 589 A.2d 783 (1991). However, there are situations when a predeprivation hearing is not required when it is not practical under the circumstances to provide such predeprivation relief. *Shah*. In *Parratt v. Taylor*, 451 U.S. 527, 539, 101 S.Ct. 1908, 1915, 68 L.Ed.2d 420 (1981), the Supreme Court stated that it is permissible to dispense with the ordinarily required predeprivation hearings due to:

[E]ither the necessity of quick action . . . or the impracticability of providing any meaningful predeprivation process can, when coupled with the availability of some meaningful means by which to assess the propriety of the state's action at some time after the initial taking, satisfy the requirements of procedural due process.

In *North American Cold Storage Co. v. Chicago*, 211 U.S. 306, 29 S.Ct. 101, 53 L.Ed 195 (1908), the Supreme Court upheld the right of a state to seize and destroy unwholesome food without a pre-seizure hearing. The possibility of erroneous destruction of property was outweighed by the fact that the public health emergency justified immediate action and the owner of the property could recover his damages in an action at law after the incident. In *Ewing v. Mytinger & Casselberry, Inc.*, 339 U.S. 594, 70 S.Ct. 870, 94 L.Ed. 1088 (1950), the Supreme Court upheld under the Fifth Amendment Due Process Clause the summary seizure and destruction of drugs without a pre-seizure hearing.²

In light of the threat to public safety presented by continued operation of a vehicle that has been placed out-of-service for safety violations, we believe that removal of the medallion from that vehicle, prior to hearing, is not violative of the medallion holder's due process rights. First, as we stated previously, the medallion is not a significant property interest once a vehicle has been placed out-of-service. Second, the Commission is not revoking or cancelling the medallion, but only removing it from the vehicle. The medallion holder retains his inherent rights associated with his ownership of the medallion. Removal of the medallion from the vehicle simply precludes the medallion holder from operating an unsafe vehicle in taxicab service, a restriction already in place by virtue of the vehicle being placed out-of-service. Third, even if the medallion does represent a significant property interest, we believe that the threat to the public safety posed by continued operation of an unsafe vehicle justifies dispensing with the necessity of a predeprivation hearing. We will, however, provide for a postdeprivation hearing within ten (10) days of removal. We believe that providing a timely postdeprivation hearing satisfactorily protects the interests of the medallion holder, since the duration of the deprivation prior to hearing is relatively short.

We note that we have deleted the last portion of the proposed regulation since those issues contained therein will be dealt with in the postdeprivation hearing.

§ 30.72. Standards for obtaining a taxi driver's certificate.

* * * * *

(i) *Disqualification for failure to be truthful on application. A taxi driver's certificate will not be issued to an individual who knowingly makes any false statement on a driver's certificate application. If, after issuance of a certificate, it is determined that an applicant knowingly made a false statement on the driver's certificate application, or provided false information on any documents submitted, the certificate will be suspended or cancelled.*

(j) *Immediate disqualification. The Commission will immediately disqualify an individual and confiscate their taxi driver's certificate when the individual's driver's license has been suspended or revoked, their taxi driver's certificate has expired, or their certificate has been obtained in a fraudulent manner. In addition, the certificate of a driver who has Commission penalties outstanding will be confiscated by a Commission enforcement officer or by a police officer employed by a city of the first class and held by the Commission's District Office until the penalties are satisfied in full.*

IRRC commented that § 30.72(i) may be violative of a driver's right to procedural due process since it allows for the suspension or cancellation of a certificate without notice and an opportunity to be heard prior to the suspension or cancellation. IRRC also commented that § 30.72(j) may be violative of a taxi driver's due process rights, since it provides for immediate disqualification when a taxi driver obtained the certificate in a fraudulent manner.³ IRRC argued that since the issue of fraud is factual in nature, confiscation prior to notice and hearing may be violative of due process. Further, the Attorney General questioned whether immediate confiscation of a driver's certificate is permissible for a driver's failure to pay outstanding penalties.

These comments highlight the delicate position the Commission is in to balance the due process rights of the taxi driver against the need to ensure the public's health and safety. Sometimes, predeprivation hearings are not possible due to the immediate and clear dangers that continued operation poses to the health or safety of the public. While we hoped that our proposed amendments had properly balanced these concerns, we are persuaded that some modification is necessary. However, we reiterate that due process is not perfect process, and our modifications do not call for predeprivation hearings in all circumstances.

The final regulations continue to call for immediate suspension of a taxi driver's certificate when the certificateholder made a false statement on the application which impacts upon the public health or safety. We recognize that this determination may involve factual issues. However, the presence of factual issues does not, in and of itself, require a predeprivation hearing in circumstances that would otherwise warrant immediate suspension. For instance, if the Commission is advised by the State Police that a driver submitted a false criminal records history with his application, the Commission may be compelled to act swiftly if the fraud was serious; such as, the driver tried to hide a murder conviction. Under these circumstances, while factual issues may be present, the Commission does not believe that predeprivation hearings would be required. Further, factual issues may be present in those situations which IRRC agreed that the Commission may dispense with predeprivation hearings; that is, when a certificateholder's driver's license has been suspended or revoked or when a certificateholder's taxi driver's certificate has expired. These circumstances necessarily involve resolution of factual issues, yet do not require predeprivation hearings.

We note that we have deleted that portion of the proposed amendments which confiscated a driver's certificate from an individual who failed to pay outstanding Commission penalties. The rationale for the deletion is

that the Commission would, in light of the comments, only confiscate the driver's certificate following hearing. This is a procedure already available to the Commission and need not be specifically delineated by regulation.

We note that despite receiving no comments, we have also amended proposed § 30.76(e) to be consistent with due process considerations discussed above.

§ 30.73. Expiration and renewal of certificate.

(a) A taxi driver's certificate shall expire [2 years from the date of issuance] *in the month of the licensee's birth date at intervals of no more than 2 years from previous issuance.* A taxi driver's certificate is renewable on or [before] *within 60 days of its expiration date upon submission of an application, a fee and satisfactory records as required by § 30.72(a)—(c) (relating to standards for obtaining a taxi driver's certificate).*

IRRC commented that this provision may be vague, since the phrase, "within 60 days," may mean prior to or subsequent to expiration. We agree with IRRC's comment and modify the section accordingly.

Although we received no comments on the proposed revision to § 30.55, we have decided that the proposed revision needs further modification. The original revision to this provision was designed to give the Commission more discretion to adjust default penalties. Upon further reflection, we believe that it is not necessary to escalate the amount of the penalty in the case of default beyond the amount of the original proposed fine. The section is modified accordingly.

Finally, we note that the Democratic Chairperson and the Majority Chairperson of the House Consumer Affairs Committee encourage the inclusion of a fine schedule in this rulemaking. We have considered this comment and will incorporate a fine schedule. The fine schedule presents a range of allowable fines for particular violations. This flexibility is essential to effective enforcement of the Medallion Act and Commission regulations. Repeat offenders may be more severely punished than first-time offenders. We believe that providing the fine-range satisfies the industry's need to know the consequences of various violations as well as the Commission's need to have some flexibility in its enforcement endeavors.

Having considered all comments filed to the proposed rulemaking, we believe the regulations as set forth in Annex A should be adopted as the final rulemaking.

Accordingly, under sections 501, 2404(a), 2409 and 2412 of the Public Utility Code, 66 Pa.C.S. §§ 501, 2404(a), 2409, 2412 and the Commonwealth Documents Law (45 P. S. § 1201 *et seq.*), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we find that regulations governing taxicab service in cities of the first class shall be amended. *Therefore,*

It is Ordered that:

1. The regulations of the Commission, 52 Pa. Code Chapter 30, are amended by amending §§ 30.31, 30.33, 30.54, 30.55, 30.72—30.76; and by adding §§ 30.34 and 30.77 to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

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

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

4. 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 by IRRC.

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

6. The Secretary shall serve copies of this order and Annex A upon each of the commentators.

7. These amendments shall become effective January 29, 1997.

(Editor's Note: The proposal to amend § 30.13 (relating to notices of lien), included in the proposal at 25 Pa.B. 1517, has been withdrawn by the Commission. The addition of §§ 30.34 and 30.77 was not included in the proposal at 25 Pa.B. 1517.)

JOHN G. ALFORD,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 5181 (October 26, 1996).)

Fiscal Note: Fiscal Note 57-153 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 30. MEDALLION PROGRAM

Subchapter C. VEHICLE REQUIREMENTS

§ 30.31. Vehicle equipment requirements.

Vehicles operated in citywide call or demand service in cities of the first class shall comply with the following requirements:

* * * * *

(3) A vehicle shall have door hinges, latches and door locks in working order, and doors shall operate easily and close securely.

* * * * *

(6) A vehicle shall be equipped with a sealed meter that satisfies the requirements in § 29.314 (relating to vehicle and equipment requirements) and is calibrated in accordance with the approved tariff.

(i) The meter shall be able to pass an accuracy test given by a Commission enforcement officer.

(ii) Upon passing the accuracy test, a Commission numbered seal will be placed on the meter by a Commission enforcement officer. A taxicab may not be operated without this Commission seal. If the seal becomes broken or damaged, the vehicle shall be removed from service immediately by either the medallion holder or the operator.

* * * * *

(11) A vehicle shall be marked, painted and designed in accordance with §§ 29.71(a) and (c) and 29.103 (relating to marking of vehicles; and simulating color or design). A vehicle shall also have painted or permanently affixed on each side its medallion number in the same dimensions

as that prescribed by § 29.71(a). Vehicle markings shall be removed in accordance with § 29.72 (relating to removal of markings).

* * * * *

(13) A taxicab may not be equipped with a device that has the capability of allowing the meter to register a nonapproved rate. If found, this device will be confiscated by a Commission enforcement officer or by a police officer employed by a city of the first class and disposed of by the Commission's District Office.

§ 30.33. Inspection of vehicles.

* * * * *

(c) *Inspection after issuance, reissuance or transfer of a medallion.* Vehicles bearing medallions shall be subject to additional inspections to ensure continued compliance with the vehicle equipment safety requirements of §§ 30.31 and 30.32, as follows:

* * * * *

(6) A Commission enforcement officer or a police officer employed by a city of the first class may order a vehicle which has been placed out-of-service for safety violations to be reinspected by a Commission enforcement officer to ensure compliance with §§ 30.31 and 30.32. If the vehicle is not in compliance with § 30.31 or § 30.32, the medallion will be removed from the vehicle and held by the Commission. A hearing on the matter will be held within 10 days following the date of removal.

* * * * *

§ 30.34. Fines for violations.

Fines for violations of this subchapter range from \$250 to \$1,000 per violation.

Subchapter D. FIRST CLASS CITY COMPLAINT PROCEDURES

§ 30.54. Proceedings on complaints.

(a) A complaint instituted under this subchapter will be assigned to a special agent or an administrative law judge who will serve as the presiding officer in the case.

(b) A presiding officer will conduct hearings on a public complaint within 15 days after the filing of an answer to a public complaint. This 15-day time limitation does not apply to the scheduling of hearings on a private complaint which will be scheduled by the Commission within 90 days after the initiation of the proceeding consistent with 66 Pa.C.S. § 332(g) (relating to procedures in general).

(c) Telephone hearings may be held in the presiding officer's discretion.

(d) Hearings may be tape recorded unless the presiding officer determines that the hearing should be transcribed by a stenographer. Requests for stenographic transcription and the reasons therefor shall be presented in the complaint or answer. In the event of an appeal of the Commission's order, a transcription of the tape recorded hearing shall be made by a court reporter approved by the Commission.

(e) The presiding officer may require the filing of briefs prior to the issuance of a decision although briefs will only be required in extraordinary circumstances upon the express direction of the presiding officer. Proposed findings of fact and conclusions of law may, at the presiding officer's discretion, be submitted to the presiding officer within 5 days after the close of the record.

(f) The presiding officer will render a decision within 30 days after the hearing or within 30 days after receipt of the proposed findings, if any are filed. The decision will be in writing, and will contain a brief description of the subject matter of the proceedings, findings of fact and conclusions of law.

(g) The presiding officer's decision will not be subject to exception or administrative appeal, although the Commission may exercise a right of review of a presiding officer's decision within 15 days of issuance. A party may not file an exception or appeal before the Commission, and the Commission will exercise its right of review solely at its own discretion. If the Commission does not review a decision, the decision will become a final order without further Commission action. If the Commission does exercise its right of review, that review shall be exercised subject to 66 Pa.C.S. § 332(h) (relating to procedures in general).

§ 30.55. Default orders.

(a) If an answer to a public complaint, instituted under § 30.52(b) (relating to commencement of complaints) is not filed within 15 days after the service of the complaint, the Commission will issue a default order sustaining the complaint and assessing the fine, as proposed in the complaint, against the respondent.

(b) Default orders will not be issued by the Commission in private complaint proceedings. When no answer to a private complaint has been filed, the Commission will schedule a hearing to determine the penalty to be imposed on the respondent.

Subchapter F. DRIVER REGULATIONS

§ 30.72. Standards for obtaining a taxi driver's certificate.

* * * * *

(j) *Disqualification for failure to be truthful on application.* A taxi driver's certificate will not be issued to an individual who knowingly makes any false statement on a driver's certificate application.

(k) *Suspension of taxi driver's certificate.* A taxi driver's certificate will be immediately suspended and confiscated when the certificateholder's driver's license has been suspended or revoked, the certificateholder's taxi driver's certificate has expired, or the certificateholder made a false statement on the application which impacts upon the public health or safety. A hearing on the suspension will be held within 30 days of the date of suspension.

§ 30.73. Expiration and renewal of certificate.

(a) A taxi driver's certificate shall expire in the month of the licensee's birth date at intervals of no more than 2 years from previous issuance. A taxi driver's certificate is renewable on or within 60 days prior to its expiration date upon submission of an application, a fee and satisfactory records as required by § 30.72(a)—(c) (relating to standards for obtaining a taxi driver's certificate).

(b) A certified taxi driver whose certificate has not expired or has not been suspended or cancelled will not be required to retake the certification examination required by this subchapter at the time of biannual renewal.

(c) A certified taxi driver shall comply with § 30.72(a)—(c) and will be liable to the disqualifications in § 30.72(f)—(i).

§ 30.74. Display of current certificate.

(a) A certified taxi driver shall carry and display an original taxi driver's certificate on the protective shield (dividing the front from the rear of the cab) of the taxicab on the driver's side with the front of the certificate (picture) facing the rear seat at all times during operation.

(b) A certified taxi driver may not operate with a mutilated, damaged or unreadable certificate.

(c) No more than one taxi driver's certificate may be displayed at one time.

§ 30.75. Driver standards.

* * * * *

(h) *Drivers responsible for administrative paperwork.* A driver is responsible for the timely and accurate completion of the passenger log to be maintained in each taxicab as well as for the forms and documents required to be maintained in the taxicab.

(1) A driver as well as the medallion holder, is responsible for the posting of maps of service areas, a schedule for fares with letters and numbers at least 1/2 inch in size, and the driver standards as described in subsections (b)—(d) and (f) in plain sight of the passengers at all times in the taxicab that the driver operates.

* * * * *

(m) *Report of change of address required.* A certificated taxi driver or taxi driver's certificate applicant shall notify the Commission's District Office within 15 days after a change of the address recorded on the certificate application. The notice shall be in writing and shall contain the old and current address and the number of any taxi driver's certificate then held by the person.

(n) *Report of change of legal name required.* A certificated taxi driver or taxi driver's certificate applicant shall notify the Commission's District Office within 15 days after a change of the legal name recorded on the certificate application. This notice shall be in writing and shall contain the old and current legal name and the number of any taxi driver's certificate then held by the person.

§ 30.76. Violations.

(a) *General.* This subchapter is equally applicable to owner-drivers, wage-drivers and lease-drivers. A medallion holder is responsible for compliance with this subchapter by the drivers employed by the medallion holder or to whom the medallion holder leases taxicabs.

(b) *Character of offenses.* A violation of this subchapter is, for the first offense, a nontraffic summary offense, and a misdemeanor of the third degree for each offense thereafter.

(c) *Duration of suspension or cancellation.* A violation of this subchapter may result in the suspension or cancellation of a taxi driver's certificate or the assessment of a civil penalty, or both. Suspension of a taxi driver's certificate shall be of a duration that the Commission or the presiding officer will determine upon the facts and circumstances of each case. Cancellation of a taxi driver's certificate is final.

(d) *Mandatory cancellation.* A driver will have his taxi driver's certificate cancelled in the following circumstances:

(1) An individual who operates a taxicab in a city of the first class while his taxi driver's certificate is then under suspension by the Commission shall have his certificate cancelled.

(2) A certified taxi driver who has been twice suspended under this chapter shall have his taxicab driver's certificate cancelled upon a third violation occurring within 3 years of the date of entry of the first suspension.

(3) A certified taxi driver who operates a taxicab in a city of the first class while under the influence of alcohol, an amphetamine or a formulation of an amphetamine, a narcotic drug or a derivative of a narcotic drug shall have his taxicab driver's certificate cancelled.

(4) A certified taxi driver who operates a taxicab and who knowingly transports, possesses or unlawfully uses a drug or narcotic proscribed by The Controlled Substance, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) shall have his taxicab driver's certificate cancelled.

(5) A certified taxi driver who leaves the scene of a motor vehicle accident involving that taxicab prior to rendering reasonable assistance to injured persons and who fails to report that accident to the police shall have his taxicab driver's certificate cancelled.

(6) A certified taxi driver who is convicted of a felony involving the use of a motor vehicle shall have his taxi driver's certificate cancelled.

(7) A certified taxi driver who is convicted of driving while his motor vehicle license is suspended or revoked shall have his taxicab driver's certificate cancelled.

(e) *Offenses by medallion holder.* Operation of a taxicab by an individual not holding a current and valid taxi driver's certificate may result in cancellation of the medallion holder's taxi driver's certificate or cancellation of the medallion holder's certificate of public convenience.

(f) *Aiding or abetting violations.* A person may not aid, abet, encourage or require a driver to violate this title or 66 Pa.C.S. (relating to the Public Utility Code).

* * * * *

§ 30.77. Fines for violations.

Fines for violations of this subchapter range from \$50 to \$1,000 per violation.

¹ IRRC did not challenge the Commission's authority to place an unsafe vehicle out-of-service without a hearing. Further, IRRC agreed that the Commission may take property or licensing rights without a hearing. For example, IRRC agreed that the Commission may confiscate a taxi driver's certificate in certain instances without a predeprivation hearing. Likewise, IRRC agreed that the Commission may confiscate and dispose of property without a predeprivation hearing. See 52 Pa. Code § 30.31(13).

² In *Ewing*, there was no claim that the ingredients of the preparation were harmful or dangerous to health. The sole claim was that the labeling was misleading to the injury or damage of the consumer.

³ IRRC agreed that the Commission has the authority to immediately confiscate a driver's certificate when a taxi driver is driving with a suspended or revoked license or when the taxi driver's certificate has expired.

[Pa.B. Doc. No. 96-2012. Filed for public inspection November 29, 1996, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective November 18, 1996.

The organization chart at 26 Pa.B. 5824 (November 30, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 96-2013. Filed for public inspection November 29, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Land Conservation Assistance Grant Program; Application Period

Notice is hereby given of the commencement of an application period for grants under the Agricultural Land Conservation Assistance Grant Program administered by the Department of Agriculture. The program is authorized by sections 7.1 and 7.3 of the act of June 18, 1982 (P. L. 549, No. 159) (3 P. S. §§ 1207.1 and 1207.3). Regulations for the program were published at 26 Pa.B. 5636 (November 16, 1996).

Applications for the program will be accepted by the Department of Agriculture beginning January 1, 1997, for a 45-day period ending February 14, 1997. Information and grant application forms may be obtained from Raymond Pickering, Bureau of Farmland Protection, Department of Agriculture, 2301 N. Cameron Street, Room 404, Harrisburg, PA 17110-9408.

CHARLES C. BROSIUS,
Secretary

[Pa.B. Doc. No. 96-2014. Filed for public inspection November 29, 1996, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

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

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-12-96	The Drovers & Mechanics Bank York York County	Adjacent to Shipley Stores, Dover Square Intersection of East Canal Rd. and Main St. (Route 74) Dover York County	Opened
11-18-96	Penn Security Bank and Trust Company Scranton Lackawanna County	Northeast Corner of PA Rte. 447 and U. S. Business Rte. 209 East Stroudsburg Monroe County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-96	S & T Bank Indiana Indiana County	<i>At:</i> 100 W. Mahoning St. Punxsutawney Jefferson County <i>Into:</i> 232 Hampton Avenue Punxsutawney Jefferson County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-13-96	First County Bank (In Organization) Doylestown Bucks County	To change the number of shares to be purchased by each of the incorporators and to provide for a change in the initial directors.	Approved And Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-2015. Filed for public inspection November 29, 1996, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Lands

The Department of Conservation and Natural Resources, acting through the Bureau of Forestry, and Keith G. Boyer of New Hope, PA, are proposing to negotiate an exchange of lands in Clinton and Bucks Counties, PA.

The Bureau of Forestry is proposing to acquire from Keith G. Boyer approximately 0.50 acre of unimproved land on Trout Run near the Village of Hammersley Fork in Leidy Township, Clinton County. This property is bounded on the west, north and east by the Susquehannock State Forest.

In return, the Bureau of Forestry proposed to convey to Keith G. Boyer approximately 0.06 acre out of the Valley Forge State Forest in Solebury Township, Bucks County. This parcel adjoins Keith G. Boyer's existing ownership.

As is the policy of the Department of Conservation and Natural Resources, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing December 2, 1996, and ending December 31, 1996. Oral or written comments or questions concerning this proposed exchange may be addressed to: Dr. James R. Grace, State Forester, Pennsylvania Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552; telephone (717) 787-2703. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department of Conservation and Natural Resources may schedule a public informational meeting.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 96-2016. Filed for public inspection November 29, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office 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 this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field 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 Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit. 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 Field Office indicated above the application.

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

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

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

PA 0217476. Sewage, **Edward L. Soloski**, 301 South Jefferson Street, Kittanning, PA 16201.

This application is for issuance of an NPDES permit to discharge treated sewage from the Audubon Estates Sewage Treatment Plant in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Glade Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority.

Outfall 001: new discharge, design flow of 0.056 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31) (11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2 4			4 8
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.03			0.08
Dissolved Oxygen	not less than 6 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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

PA 0051284. Industrial waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064.

This application is for renewal of an NPDES permit to discharge leachate from an existing closed landfill in Springfield Township, **Delaware County**. This is an existing discharge to an unnamed tributary to Crum Creek.

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

The proposed effluent limits for Outfall 001, from date of permit issuance through completion of 18 months of permit issuance, based on an average flow of 10,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Iron	monitor/report	
Total Iron	monitor/report	
Color (Pt-Co Units)		100
Total Suspended Solids	monitor/report	
Total Dissolved Solids	monitor/report	
pH (STD Units)	6.0—9.0	
Magnesium	monitor/report	
Manganese	monitor/report	

The proposed effluent limits for Outfall 001 from completion of 18 months of permit issuance through expiration, based on an average flow of 10,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Iron	0.6	1.2	1.5
Total Iron	2.0	4.0	5.0
Color (Pt-Co Units)			100
Total Suspended Solids	30	60	75
Total Dissolved Solids	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Magnesium	monitor/report		
Manganese	2.0	4.0	5.0

The EPA waiver is in effect.

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

PA 0033421. Sewage. **Mercer/Grove City KOA Campground**, 1337 Butler Pike, Mercer, PA 16137-6211.

This application is for a renewal of an NPDES permit to discharge treated sewage to unnamed tributary to Pine Run in Findley Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority on the Beaver River located at Beaver Falls, approximately 31.5 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.005 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report	
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	3.5	7
(11-1 to 4-30)	10.5	21
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0006441. Industrial waste, SIC: 4011, **CSX Transportation, Inc.**, 500 Water Street, Jacksonville, FL 32202, telephone (904) 359-7527.

This application is for renewal of a Part I (NPDES) permit to discharge untreated stormwater and treated groundwater to the Mahoning Creek in Bell Township, **Jefferson County**. The discharges are existing.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating the effluent requirements for TDS, Nitrite-Nitrate, fluoride and phenolics, the existing water supply considered during the evaluation was the Allegheny River used by the Kittanning District Pennsylvania-American Water Company 67.05 miles downstream at Allegheny River mile 45.27.

The proposed discharge limits for Outfalls 001, 003, 004, 005 and 006, based on a design flow of 0.050 400 mgd, are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report		
BOD ₅	monitor and report		
COD	monitor and report		
TSS	30		60
Total Kjeldahl Nitrogen	monitor and report		
Total Phosphorus	monitor and report		
Total Iron	monitor and report		
Oil and Grease	15		30
pH (Outfall 001)	between 6.0—9.0 standard units at all times		
(Outfalls 003 through 006)	monitor and report		

The EPA waiver is in effect.

PA 0222127. Sewage. **Glade Run United Presbyterian Church**, 1091 Pittsburgh Road, Valencia, PA 16059.

This application is for a new NPDES permit to discharge treated sewage to unnamed tributary to Glade Run in Middlesex Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Connoquenessing Creek and Zelenople Water Works located at Zelenople, approximately 12 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.0015 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	0.18	0.4
Phosphorus		
(4-1 to 10-31)	2	4
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is not in effect.

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

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

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

NPDES Permit PAS100239. Stormwater. **Richard Hartung**, Danburry Farms Inc., 1120 Perry Highway, Pittsburgh, PA 15237 has applied to discharge stormwater from a construction activity located in New Sewickley Township, **Beaver County**, to UNT to Big Sewickley Creek and Brush Run.

Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.

NPDES Permit PAS10D085. Stormwater. **Faulkner-Ciocca Management**, 321 SW End Boulevard, Quakertown, PA 18951 have applied to discharge stormwater from a construction activity located in Richland Township, **Bucks County**, to Morgan Creek.

NPDES Permit PAS10D086. Stormwater. **Toll Brothers Inc.**, 3102 Philmont Avenue, Huntingdon Valley, PA 19006 has applied to discharge stormwater from a construction activity located in Lower Makefield Township, **Bucks County**, to Core Creek.

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

NPDES Permit PAS10Y055. Stormwater. **Rose Brook**, Vincent Lebo, L & C Partnership, 990 S. Pleasant Avenue, Dallastown, PA 17313 have applied to discharge

stormwater from a construction activity located in Wind-sor Township, **York County**, to UNT to Kreutz Creek.

NPDES Permit PAS10-5308. Stormwater. **Philadelphia International Airport**, Division of Aviation, Philadelphia International Airport, Division of Aviation, Terminal E, Philadelphia, PA 19153, has applied to discharge stormwater from a construction activity located in City of Philadelphia, **Philadelphia County**, to Pennypack Creek.

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

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

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

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

WQM Permit No. 1096414. Sewage, **Mary and Glenn Franceschina**, SRSTP, 132 Old Glade Mill Rd., Valencia, PA 16059. This project is for the construction of a single residence sewage treatment plant in Middlesex Township, **Butler County**.

WQM Permit No. 6296411. Sewage, **Leonard B. Riel**, SRSTP, R. D. 3, Box 101, Sugar Grove, PA 16350. This project is for the construction of a single residence sewage treatment plant in Farmington Township, **Warren County**.

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, telephone (717) 826-2511.

4596507. Public water supply. **Pocono Plateau Mobile Home Park**, Larry Moyer, 32 Chipperfield Drive,

Effort, PA 18330. This proposal involves permitting of an existing system to allow for construction of a well house with disinfection facilities for treatment of raw water from one of the two currently utilized wells. Use of the second well will be discontinued. It is located in Tunkhannock Township, **Monroe County**.

Engineer: James T. Palumbo, P. E., 37 North Washington Street, Wilkes-Barre, PA 18701.

5296504. Public water supply. **The Escape**. This proposal involves chemical treatment for manganese sequestering at the Hilltop well. It is located in Palmyra Township, **Pike County**.

Engineer: Acker Associates, Inc., P. O. Box 899, Moscow, PA 18444.

5296505. Public water supply. **Hemlock Farms Community Association**, Bette A. Wesman Community Association Manager, Box 1007, Hemlock Farms, Hawley, PA 18428. This proposal provides for the modification and permitting of an existing public water supply system serving the residents of Hemlock Farms Community Association. It is located in Dingman and Porter Townships, **Pike County**.

6496503. Public water supply. **Holiday Park**, P. O. Box 2875, Branchville, NJ 07826. James Conner. This proposal involves permitting a system existing since 1973 serving 80 people. The system has a single well source, two hydropneumatic tanks, hypochlorinator, contact tank and distribution system. It is located in Cherry Ridge Township, **Wayne County**.

Engineer: James F. Knash, P. E., 1105 Court St., Honesdale, PA 18431.

6496504. Public water supply. **Woodland Hills Subdivision**, Barry J. Newcomer, HCR Box 202, Paupack, PA 18451. This proposal involves permitting of an existing system for installation of raw water disinfection facilities, a 2,800 gallon finished water storage tank booster pump facilities and hydropneumatic tanks. It is located in Paupack Township, **Wayne County**.

Engineer: Fred C. Shoenagel, Jr., P. E., R. R. 2, Box 15, Greentown, PA 18426.

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

A. 1596506. Public water supply. **Phillips Mushroom Farms**, James A. Angelucci, 1011 Kaolin Road, Kennett Square, PA 19348. This proposal involves the permitting of an existing water system in Kennett Township, **Chester County**.

A. 1156439. Public water supply. **Mangold Enterprises, Inc.**, 882 South Matlack Street, Suite H, West Chester, PA 19382. This proposal involves the permitting of a bottle water facility for distilled water in West Chester Borough, **Chester County**.

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

A. 9996440. **Tug Hill Water, Inc.**, P. O. Box 338, Hagaman, NY 12086; Ralph M. Riposa, President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name: Crystal Mountain Artesian Spring Water.

Acknowledgment of Notices of Intent to Remediate.

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

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

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

Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-5950.

North Philadelphia Train Station, City of Philadelphia, **Philadelphia County**. Robert A. LaRosa, P. E., Sr. Environmental Engineer, 30th St. Station, 5th Floor South, Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons and diesel fuel. The applicant proposes to remediate the site to meet the Statewide health standard.

Claymont Development Property, Birmingham Township, **Delaware County**. Charles A. Ernst, III, 355 D. Lancaster Ave., Haverford, PA 19041, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum hydrocarbons; groundwater contaminated with lead, BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet background and Statewide health standards.

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

Xerox Pittsburgh District Parts Center, City of Pittsburgh, **Allegheny County**. Xerox Corporation, Xerox Square 04D, Rochester, NY 14644 has submitted a Notice of Intent to Remediate groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide Health standard.

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require

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

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

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

Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Peco Hanover Substation, Pottstown Borough, **Montgomery County**. Michael Heisler, P. E., Engineer, Environmental Affairs, 2301 Market St., Philadelphia, PA 19101-8699, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, heavy metals, BTEX, and polycyclic aromatic hydrocarbons; and groundwater additionally contaminated with solvents. The applicant proposes to remediate the site to meet a combination of site-specific and Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Mercury*, on October 30, 1996.

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

Neville Island Industrial Park, Neville Township, **Allegheny County**. Neville Island Associates, 733 Washington Avenue, Carnegie, PA 15106 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on October 10, 1996.

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office, Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.

A. 301220A. Soil Remediation of Philadelphia, Inc., 3201 South 61st Street, Philadelphia, PA 19153. Received application for a permit renewal and modification for Soil Remediation of Philadelphia. Facility located in the City of Philadelphia. Application received in the Southeast Regional Office November 7, 1996.

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

Regional Office, Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.

A. 300001. Occidental Chemical Corporation, Armond Hammer Blvd., P. O. Box 699, Pottstown, PA 19464. Application received for submission of a closure plan for the residual waste landfill operated by the above applicant. Closure plan being submitted in place of applicant seeking re-permitting under the residual waste regulations. Facility located in Lower Pottsgrove Township, **Montgomery County**. Application received in the Southeast Regional Office November 6, 1996.

Northwest Regional Office, Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.

A. 100329. Lake View Landfill, 851 Robison Road East, Erie, PA 16509. Major permit modification for the revision of the landfill's groundwater monitoring plan including deactivation/decommissioning of wells M14 and M20, discontinuance of monitoring of wells M37A and M39A and reduction of monitoring frequency for wells M3 and M5 to an annual vice quarterly schedule. The landfill is located in Summit Township, **Erie County**. Permit modification application accepted in the Regional Office on November 12, 1996.

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

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

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

Permit: **46-320-027**
Source: Printing Facility
Company: **Gemplus Plastic Corporation**
Location: Montgomery
County: **Montgomery**

Permit: **23-399-027**
Source: Two Converting Lines and two Fabric Filters and one Venturi Scrubber
Company: **Kimberly-Clark Tissue**
Location: City of Chester
County: **Delaware**

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

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

06-302-141C. Modification of a boiler by **Sunsweet Growers, Inc.** (P. O. Box 608, Fleetwood, PA 19522) in Fleetwood, **Berks County**. The source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-312-010A. Construction of a gasoline/distillate oil storage tank controlled by an internal floating roof by **Altoona-Scranton Terminal Corporation** (P. O. Box 2621, Harrisburg, PA 17105) in Sinking Spring, **Berks County**. The source is subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

05-2006. The Department intends to issue a NOX RACT (Reasonably Available Control Technology) Air Quality Operating Permit to **Columbia Gas Transmission Corporation** (P. O. Box 1273, Charleston, WV 25325-1273) for two engines controlled by ENOX technologies and three gas turbines at their Artemas Compressor Station in Mann Township, **Bedford County**.

36-308-021E. The Department intends to issue an Air Quality Operating Permit to **C & D Charter Power Systems, Inc.** (82 East Main Street, Leola, PA 17540) for two battery grid casting machines in Leola, **Lancaster County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

36-308-070B. The Department intends to issue an Air Quality Operating Permit to **C & D Charter Power Systems, Inc.** (82 East Main Street, Leola, PA 17540) for the battery plate tank formation system in Leola, **Lancaster County**.

36-308-081. The Department intends to issue an Air Quality Operating Permit to **Kalas Manufacturing Incorporated** (P. O. Box 328, Denver, PA 17517) for lead battery terminal operations controlled by a fabric collector in East Cocalico Township, **Lancaster County**.

67-2003. The Department intends to issue an Air Quality RACT (Reasonably Available Control Technology) Synthetic Minor Operating Permit to **Mastercraft Specialties, Incorporated** (800 Maple Street, Red Lion, PA 17356) for a wood furniture manufacturing and finishing facility in Red Lion Borough, **York County**.

Request for Variance

The Bureau of Deep Mine Safety has approved a request for variance for **Canterbury Coal Company**. The following notification contains a summary of both this request and the Department's decision regarding approval. Complete copies of both the variance request

and the Department's decision may be obtained from Glen Ziegler by calling (717) 787-1376.

Summary of the request: Canterbury Coal Company is requesting a variance from section 221(d) of the Bituminous Coal Mining Laws of Pennsylvania. Canterbury's plan calls for the use of battery powered shuttle cars as the primary means of transportation for evacuation during a fan stoppage. The request proposes that during a fan stoppage the evacuation of men from the mine using electrically powered haulage equipment will be safer than having the workforce evacuate the mine on foot.

Summary of the decision: The basis for the Bureau's determination for approval can be summarized in the following statements:

1. In order for an explosion to occur, an ignition source (for example, a spark from battery powered haulage equipment) and fuel (methane gas) are needed.

At the Bureau's request, tests were performed on the mine atmosphere using MSA and CSE permissible Oxygen and Methane recording units. These tests were performed for an extended period of time (5 hours plus). Test results showed that no dangerous concentrations of methane or other gases accumulated along the track haulage entries during fan stoppage.

Additionally, during an evacuation due to fan stoppage, the mine atmosphere will be continually monitored utilizing approved gas detection devices. Such monitoring shall be conducted by certified personnel.

Without the presence of combustible gases (the fuel), evacuation using battery powered haulage equipment should provide a safe, efficient and expeditious means of escape for personnel working in the mine. The Bureau feels that a more expeditious evacuation of the workers is to the benefit of worker safety. According to tests, evacuation from the mine by battery powered haulage equipment is reduced to 45 minutes from approximately 2 hours (walking out).

2. The plan's evacuation procedures are those outlined in the 30 CFR 75.313.

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects:

Project	Municipality	County	Acre
BF 405-101.1	Union Twp.	Washington	13
BF 409-101.1	Kittanning Twp.	Armstrong	2
BF 410-101.1	Export Borough	Westmoreland	35
BF 412-101.1	South Beaver Twp.	Beaver	4

Letters of interest must be received by Ernest F. Giovannitti, Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., December 31, 1996, to be considered.

Telephone inquiries shall be directed to B. P. Rao, Chief, Division of Acid Mine Drainage Abatement, at (717) 783-1311.

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection.

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

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

E05-242. Encroachment. **Department of Transportation**, Engineering District 9-0, Earl Neiderhiser, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a bridge having a clear span of 58.6 feet on a 55° skew with a minimum underclearance of 8.9 ft. across Scrubgrass Creek on SR 4034, Section 001, Segment 0030, offset 0759 located about 0.8 mile west of Imler Village (Alum Bank, PA Quadrangle N: 15.5 inches; W: 5.3 inches) in King Township, **Bedford County**.

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

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

EA09-010C0. Environmental assessment. **Township of Middletown**, 2140 Trenton Road, Levittown, PA 19056. To construct and maintain a nonjurisdictional dam across a tributary to Neshaminy Creek (WWF, MF) impacting a de minimus area of wetland (PFO) equal to 0.05 acre for the purpose of recreation located approximately 1,200 feet northwest of the intersection West Maple Avenue (State Route 213) and Oakford Road (State Route 432) at the Middletown Township Country Club (Langhorne, PA Quadrangle N: 9.45 inches; W: 8.25 inches) in Middletown Township, **Bucks County**.

EA67-008C0. Environmental assessment. **R. Darin Ingool**, P. O. Box 112, Cardiff, MD 21024-0112. To construct and maintain a nonjurisdictional dam across a tributary to Muddy Creek (TSF) for the purpose of recreation located approximately 2,500 feet northwest of the intersection of Miller Road and Murphy Road (Airville, PA Quadrangle N: 4.5 inches; W: 2.0 inches) in Peach Bottom Township, **York County**.

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

E45-311. Encroachment. **Pines Cafe, Inc.**, P. O. Box J, Pocono Pines, PA 18350. To place fill in approximately 0.11 acre of pem/ss wetlands for the purpose of expanding the existing parking lot of the Pines Cafe restaurant. The project is located at the northeast quadrant of the intersection of S. R. 0940 and S. R. 0423 (Pocono Pines, PA Quadrangle N: 19.2 inches; W: 12.9 inches) in Tobyhanna Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

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

E46-755. Encroachment. **Limekiln Partners, LP**, 2421 Bristol Rd., Warrington, PA 18975. To perform and maintain the following water obstructions and encroachments associated with the proposed Chestnut Creek Subdivision, located 1,800 feet southeast of the junction of Lower State Road and Limekiln Pike (SR 0152); (Ambler, PA Quadrangle N: 18.7 inches; W: 10.1 inches), in Horsham Township, **Montgomery County**.

1) To install 70 linear feet of 15-foot by 3.25-foot, roadway box culvert in and along a tributary to Little Neshaminy Creek and 0.15 acre of adjacent wetlands (PFO) for the proposed Stony River Road. Associated work includes: an 8-inch sanitary sewer line crossing of wetlands; a 12-inch utility line stream crossing; and a stormwater outfall.

2) To install 145 linear feet of twin 15-inch RCP roadway culverts in and along an unnamed tributary to Little Neshaminy Creek and 0.09 acre of adjacent wetland (PEM).

3) Construct a stormwater management facility (basin 2B), consisting of an earth fill dam and twin 30-inch outlet pipes impacting 0.35 acre of wetland (PSS) and 110 linear feet of watercourse.

4) Construct a stormwater management facility (basin 4), consisting of an earth fill dam and grading within the reservoir impacting 0.34 acre of wetland (PFO) and 194 linear feet of watercourse.

5) Construct an outfall structure associated with basins impacting 0.01 acre of wetland (PFO).

6) Install approximately 1,050 linear feet of sanitary sewer line crossing an estimated 0.25 acre of wetlands (PFO).

This project proposes impact to a total of 1.23 acres of wetland and approximately 549 linear feet of watercourse.

E23-353. Encroachment. **John Harper**, P. O. Box 384, Ridley Park, PA 19078. To perform the following water obstruction and encroachments associated with the proposed Morton Avenue Shopping Center redevelopment:

1) Remove 626 linear feet of 57 inch by 83 inch CMP stream enclosure which conveys an unnamed tributary of Little Crum Creek (WWF) under an existing parking area.

2) Install, operate and maintain 875 linear feet of 5-foot high by 10-foot wide stream enclosure conveying an unnamed tributary of Little Crum Creek in a relocated alignment.

3) Install and maintain a 10-inch PVC sanitary sewer line crossing of an unnamed tributary to Little Crum Creek.

4) Install and maintain an 18-inch stormwater outfall in the 100 year floodway of the aforementioned watercourse.

5) Construct, operate and maintain a stormwater management facility, consisting of an earth fill dam and grading within the reservoir which will impact 180 linear feet of watercourse and the portions of the 100 year floodway.

The project will impact approximately 1,055 linear feet of watercourse and is located along the east side of Morton Avenue at a point approximately 500 feet south of MacDade Boulevard (SR2006) (Lansdowne PA Quadrangle N: 1.8 inches; W: 11.1 inches) in Ridley Township, **Delaware County**. The downstream 54-foot long section of the aforementioned stream enclosure is located beneath Morton Avenue (SR2025), and will be separately reviewed under permit application No. E23-354 submitted by Department of Transportation.

E23-354. Encroachment. **Department of Transportation**, 200 Radnor Chester Road, St. Davids, PA 19087. To operate and maintain a 54-foot long section of a 5-foot high by 10-foot wide reinforced concrete box culvert stream enclosure in and along an unnamed tributary to Little Crum Creek (WWF). This enclosure section extends beneath Morton Avenue, and will have attached concrete endwalls and a gabion outlet apron. The project also includes construction, operation and maintenance of proposed storm sewer lines along Morton Avenue to improve drainage in this flood prone area. The project is located along Morton Avenue, at a point approximately 500 feet south of MacDade Boulevard (SR2006) (Lansdowne PA Quadrangle N: 1.8 inches; W: 11.1 inches) in Ridley Township, **Delaware County**. The aforementioned stream enclosure section will be connected, at its upstream end, to a stream enclosure proposed for approval by permit application E23-353, submitted by Harper Associates.

E46-756. Encroachment. **Montgomery County Commissioners**, P. O. Box 311, Norristown, PA 19404. To operate and maintain a 20-foot wide by 6-foot high precast reinforced concrete box culvert with wingwalls which was previously authorized under emergency permit EP4696317 located across Spring Mill Run (tributary to the Schuylkill River) at a point approximately 1,000 feet west of the intersection of Joshua Road and Ridge Pike (Norristown, PA Quadrangle N: 16.1 inches; W: 2.75 inches) in Whitmarsh Township, **Montgomery County**.

E09-731. Encroachment. **Joseph Faulkner, Gregg Ciocca**, Faulkner-Ciocca Management, 321 South Westend Blvd., Quakertown, PA 18951. To place and maintain fill in 8.6 acres of wetlands for the purpose of constructing an automotive sales and service center (autoplex) located on the southwest corner of the intersection of Tollgate Road and Route 309 (Quakertown, PA Quadrangle N: 7.35 inches; W: 13.5 inches) in Richland Township, **Bucks County**.

E09-732. Encroachment. **Cleveland Steel Container Corporation**, 350 Mill Street, Quakertown, PA 18951. To construct and maintain a stormwater management facility including 70 linear feet of 15-inch CMP in the 100-year floodway of Licking Creek (TSF). The site is located at 350 Mill Street, immediately southeast of the intersection of Mill Street and the Reading Railroad Track (Quakertown, PA Quadrangle N: 12.5 inches; W: 12.00 inches) in Quakertown Borough, **Bucks County**.

E15-526. Encroachment. **Steven Chambers**, 285 Chippenham Lane, Hockessin, DE 19707. To perform the following activities as described below:

1. to operate and maintain two existing off-stream ponds which have impacted 0.42 acre of wetland (PEM)
2. to modify and enlarge two existing off-stream ponds impacting 0.34 acre of wetland (PEM)
3. to maintain and modify approximately 320 feet of streambanks downstream of the existing minor road crossing along an unnamed tributary to the east branch of Red Clay Creek (CWF)

These activities are located at 135 Center Mill Road approximately 1,700 feet northeast of the intersection of Center Mill Road and Burnt Mill Road (Kennett Square, PA-DEL Quadrangle N: 15.1 inches; W: 2.15 inches) in Kennett Township, **Chester County**.

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

E33-176. Encroachment. **Jefferson County Commissioners**, Jefferson Place, 155 Main Street, Brookville, PA 15825. To remove the existing single span, pony truss bridge and to install and maintain an 80-foot single-span concrete box beam bridge across east branch Mahoning Creek. The east branch Mahoning Creek is HQ-CWF and stocked trout. The project identified as Jefferson County Bridge No. 5 is located on Henderson Township Road, T-622, approximately 4,200 feet south of the intersection of S. R. 0410 and T-622 (McGees Mills, PA Quadrangle N: 19.6 inches; W: 8.7 inches) located in Henderson Township, **Jefferson County**.

E42-244. Encroachment. **Sergeant Township Supervisors**, Box 1A, Star Route, Mount Jewett, PA 16740. To remove an existing 36-inch high by 64-inch wide stone slab bridge and to construct and maintain a 4-foot high by 13-foot wide box culvert road crossing across Bloomster Hollow (CWF). The bottom of the box culvert will be placed 2 feet below the stream bottom. The project is located on T-321 across Bloomster Hollow approximately 7,600 feet southwest of the intersection of S. R. 0006 and T-321 in the village of Kasson (Hazelhurst, PA Quadrangle N: 20.65 inches; W: 0.10 inch) located in Sergeant Township, **McKean County**.

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

EA10-009NW. Environmental assessment. **Dept. of Environmental Protection**, District Mining Operations, White Memorial Building, Knox, PA 16232. To construct and maintain two separate two-cell vertical flow wetlands utilizing Successive Alkaline Producing System (SAPS) technology and to construct a nonjurisdictional dam to provide treatment of several acid mine water discharges. Typical water sampling analysis results of the discharges indicate pH < 4.0, Mn 2.0 mg/l, Fe > 2.0 mg/l, and Al > 3.0 mg/l. Collectively these treatment facilities will be referred to as "Ferris Treatment Complex" and is located in the Slippery Rock Creek watershed (CWF). The project will impact 0.4 acre of wetland (PEM). This project is located east of Kohlmeyer Road at the intersection known as Ferris approximately 11,400 feet north of the village of Whiskerville (Hilliards, PA Quadrangle N: 18.5 inches; W: 14.9 inches) located in Venango Township, **Butler County**.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Permits Issued

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

NPDES Permit No. PA0006297. Industrial waste, **Menasha Corporation**, Route 70, P. O. Box 718, Yukon, PA 15698-0418 is authorized to discharge from a facility located at Yukon Plant, Sewickley Township, **Westmoreland County** to Sewickley Creek.

NPDES Permit No. PA0204722. Industrial waste, **Borough of Patton**, 800 Fourth Avenue, Patton, PA 16668 is authorized to discharge from a facility located at the Water Treatment Plant, Patton Borough, **Cambria County** to Chest Creek.

NPDES Permit No. PA0044431. Sewage, **Fairfield Manor, Inc.**, 4158 Old William Penn Highway, Murrysville, PA 15668 is authorized to discharge from a facility located at Fairfield Manor STP, Fairfield Township, **Westmoreland County** to unnamed tributary of Hendricks Creek.

NPDES Permit No. PA0093165. Sewage, **Claysville-Donegal Joint Municipal Authority**, 314 Main Street, P. O. Box 467, Claysville, PA 15323 is authorized to discharge from a facility located at Claysville Water Pollution Control Plant, Donegal Township, **Washington County** to Dutch Fork.

NPDES Permit No. PA0205265. Sewage, **Summerhill Volunteer Fire Company**, 524 Main Street, Summerhill, PA 15958 is authorized to discharge from a facility located at Summerhill Volunteer Fire Company STP, Summerhill Borough, **Cambria County** to Laurel Run.

NPDES Permit No. PA0217441. Sewage, **Robert D. Kalina**, R. D. 2, Boswell, PA 15531 is authorized to discharge from a facility located at Kalina Subdivision Sewage Treatment Plant, Jenner Township, **Somerset County** to unnamed tributary of Roaring Run.

Permit No. 0296202. Industrial waste. **BP Exploration and Oil Company**, 200 Public Square Building, Cleveland, OH 44114-2375. Construction of groundwater remediation plant located in Monroeville Borough, **Allegheny County** to serve the Former BP Gasoline Service Station.

Permit No. 3295401. Sewerage. **Burrell Township Sewer Authority**, P. O. Box 454, Blacklick. Construction of sewers, pump stations and forcemain located in Burrell Township, **Indiana County** to serve the Strangford Area.

Permit No. 5696408. Sewerage. **Municipal Authority of the Borough of Somerset**, 340 West Union Street, Somerset, PA 15501. Construction of parallel interceptor located in Somerset Borough, **Somerset County** to serve the Parsons Run Service Area.

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

NPDES Permit No. PA0050679. Industrial waste. **NVF Company**, P. O. Box 0516, Lafayette and Mulberry Streets, Kennett Square, PA 19348 is authorized to discharge from a facility located in Kennett Square Borough, **Chester County** into the west branch of Red Clay Creek.

NPDES Permit No. PA0020397. Amendment No. 2. Sewerage. **Bridgeport Borough**, 4th and Mill Streets, P. O. Box 148, Bridgeport, PA 19405 is authorized to discharge from a facility located in Upper Merion Township, **Montgomery County** into the Schuylkill River.

NPDES Permit No. PA0011282. Industrial waste. **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 10910-3489 is authorized to discharge from a facility located in Springfield Township, **Delaware County** into Crum Creek.

NPDES Permit No. PA0055948. Amendment No. 1. Industrial waste. **Sun Refining and Marketing Company**, 1835 Market Street, Philadelphia, PA 19103 is authorized to discharge from a facility located in Horsham Township, **Montgomery County** into a storm sewer to Pennypack Creek.

NPDES Permit No. PA0010847. Industrial waste. **Henkel Corporation**, 300 Brookside Avenue, Ambler, PA 19002 is authorized to discharge from a facility located in Lower Gwynedd Township, **Montgomery County** into 001 and 002 Wissahickon Creek and 003 Houston Creek.

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

Adams County Conservation District, District Manager, 57 N. Fifth Street, Gettysburg, PA 17325, telephone (717) 334-0636.

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

Berks County Conservation District, District Manager, P. O. Box 520, Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.

Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.

Centre County Conservation District, District Manager, 414 Holmes Ave., Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.

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

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

Lawrence County Conservation District, District Manager, Gov. Serv. Ctr., 430 Ct. St., New Castle, PA 16101, telephone (412) 652-4512.

Luzerne County Conservation District, District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.

Mercer County Conservation District, District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100036	Donald and Alice Smith 450 Spangler Rd. New Oxford, PA 17350	Adams Co. Berwick Twp.	Pine Run
PAR100039	David Kuhn P. O. Box 95 Cashtown, PA 17310	Adams Co. Franklin Twp.	Muskrat Run

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A193	Waste Management of Wilkinsburg 450 Brushton Ave. Wilkinsburg, PA 15208	Allegheny Co. Wilkinsburg Boro.	Nine Mile Run
PAR10C166	Centre Twp. Mun. Auth. 449 Bucks Hill Rd. Mohrsville, PA 19541	Berks Co. Centre Twp.	Irish Crk.
PAR10D279	Joseph Fluehr III 800 Newtown-Richboro Rd. Richboro, PA	Bucks Co. Northampton Twp.	Neshaminy Crk.
PAR10D281	Ehrhart Orix Wilkinson 100 N. Riverside Plz. Chicago, IL 60606	Bucks Co. Middletown Twp.	Queen Anne to Mill Crk.
PAR10F056	Frederick Kissinger 245 S. Allen St. State College, PA	Centre Co. College Twp.	Slab Cabin Run
PAR10G207	David Dellaporta 753 Applegate Ln. Bryn Mawr, PA 19010	Chester Co. Kennett Twp.	W. Br. Red Clay
PAR10I107	McNaughton Company 4400 Deerpath Rd. Harrisburg, PA 17110	Dauphin Co. Swatara Twp.	Swatara Crk.
PAR103720	Leo Golba 233 W. Parkside Dr. New Castle, PA 16105	Lawrence Co. Neshannock Twp.	UNT to Shanango
PAR10R099	Robert Mericle 600 Baltimore Dr. Wilkes-Barre, PA 18702	Luzerne Co. Hanover Twp.	UNT to Warrior Crk.
PAR10R097	Butler Twp. Supervisors R. R. 3, Box 796B Drums, PA 18222	Luzerne Co. Butler Twp.	Nescopeck Crk.
PAR104329	Borough of Grove City 123 W. Main St. Grove City, PA 16127	Mercer Co. Grove City Boro.	UNT to Wolf Crk.
PAR10T312	Elf Atochern North America Inc. 900 1st Ave. King of Prussia, PA 19406	Montgomery Co. U. Merion Twp.	Maschellmac Crk.
PAR10T316	Maple Village 2815 Byberry Rd. Hatboro, PA	Montgomery Co. U. Moreland Twp.	UNT to Pennypack
PAR10T313	Chadwick Place Devel. Corp. 401 City Ave. Bala Cynwyd, PA 19004	Montgomery Co. Worcester Twp.	UNT to Skippack
PAR10U059	Pa. Power & Light Co. P. O. Box 157 Martins Creek, PA 18063	Northampton Co. L. Mt. Bethel Twp.	Delaware River
PAR10U060	Pa. Power & Light Co. P. O. Box 157 Martins Creek, PA 18063	Northampton Co. L. Mt. Bethel Twp.	Oughoughton Crk.
PAR10Y229	Mark DiSanto 5351 Jaycee Ave. Harrisburg, PA 17112	York Co. Fairview Twp.	Fishing Crk.

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

<i>NPDES General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM

<i>NPDES General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

NOI Received and Final Actions Under NPDES General Permits

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

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR802229	3	ABF Freight System, Inc. P. O. Box 10048 Fort Smith, AR 72917	Luzerne Co. City of Wilkes-Barre	Solomon Creek	4213

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

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

Permit No. 3995502. Public water supply. **Valley View Estates, c/o Ian Roddick**, President, 1400-50 Route 100, Macungie, PA 18062. This proposal involves the permitting of an existing public water supply system consisting of one well, two 315 gallon pressure tanks, a calcium hypochlorite disinfection system and a distribution system for a maximum of 50 units in a mobile home park located in Lower Macungie Township, **Lehigh County**.

Permit to operate: October 21, 1996.

Permit No. 4589527. Public water supply. **Birchwood Mobile Home Park, c/o G. Susan Johnson**, P. O. Box 207, Sciota, PA 18354. This proposal involves the permitting of an existing community water supply serving the 36 dwellings within Birchwood Park in Ross Township, Monroe. The system consists of two wells, a 1,000 gallon hydropneumatic tank, and a 2-inch distribution system. The sources shall be chlorinated, metered and treated with soda ash to boost the pH.

Permit to operate: October 21, 1996.

Permit No. 4594503. Public water supply. **Country Club of the Poconos at Big Ridge, c/o Bryan Fisk**, P. E., Senior Vice President, Resorts USA, Inc., P. O. Box 447, Bushkill, PA 18324. This proposal involves the permitting of a new well and 200,000 gallon storage tank to be constructed within the existing public water system serving the Country Club of the Poconos at Big Ridge in Middle Smithfield Township, **Monroe County**.

Permit to operate: October 22, 1996.

Permit No. 4596503. Public water supply. **Crossings Factory Stores**, 285 Crossings Square, Tannerville, PA 18372. This proposal involves the installation of equipment to treat water with a phosphate inhibitor for corrosion control. It is located in Pocono Township, **Monroe County**.

Permit to operate: October 2, 1996.

Permit No. 5496502. Public water supply. **Lake Wynonah Municipal Authority**, 100 East Main Street, Rear, Schuylkill Haven, PA 17972. This proposal involves the addition of equipment to treat water from well 1 and

3 with a sequestering agent to control iron and manganese. It is located in South Manheim Township, **Schuylkill County**.

Permit to operate: October 2, 1996.

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

Permit No. 0996514. Public water supply. **Springfield Township Authority**, Donald C. Kucher, 2320 Township Road, Quakertown, PA 18951. A permit has been issued for existing corrosion feed equipment treating the water from three springs in Springfield Township, **Bucks County**.

Type of Facility: Water supply system.

Consulting Engineer: Pennoni Associates, Inc., 875 North Easton Road, Suite 10, Doylestown, PA 18901.

Permit to Construct Issued: November 6, 1996.

Permit No. 0996510. Public water supply. **Warwick Township Water and Sewer Authority**, Thomas Courduff, 2242 Old York Road, Jamison, PA 18929. A permit has been issued to construct a public water supply system. The project includes construction of three wells, an air stripper, a storage tank and a disinfection system in Warwick Township, **Bucks County**.

Type of Facility: Public water.

Consulting Engineer: R. F. Preston Engineers, Inc., 831 DeKalb Pike, Blue Bell, PA 19422.

Permit to Construct Issued: October 29, 1996.

Acknowledgment of the Submission of Final Reports

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental

media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

Xerox Pittsburgh District Parts Center, City of Pittsburgh, **Allegheny County**. Xerox Corporation, Xerox Square 04D, Rochester, NY 14644 has submitted a Final Report addressing groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide Health standard.

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

Regional Office, Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PAD064375470. Advance Environmental Technical Services L.L.C. (AETS), 1050 West 11th Avenue, Coatesville, PA 19320. This Hazardous Waste permit for the storage and treatment of hazardous waste is re-issued to AETS, from Chemical Waste Management of PA, Inc. Facility located in Valley Township, **Chester County**. Permit issued in the Southeast Regional Office November 12, 1996.

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

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

General Permits No. WMGR002, WMGR002D001 and WMGR002D002 issued February 4, 1994, March 17, 1995, and February 13, 1996, respectively, for the beneficial use of paper and pulp mill wastewater treatment sludge as a soil additive to facilitate revegetation on disturbed land at permitted and at abandoned mine sites. The Department modified the permit by adding a condition that requires permittees to submit a chemical analysis for each new source of paper and pulp mill wastewater treatment sludge to the Department 15 days prior to waste application. The permits were modified in Central Office on November 5, 1996.

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

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

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-46-0068**

Source: VOC

Issued: October 31, 1996

Company: **Centennial Printing Corp.**

Location: Upper Merion

County: **Montgomery**

Permit: **OP-23-0010**

Source: Major VOC & Minor NOx Facility

Issued: October 31, 1996

Company: **Sun, Inc. (R & M)**

Location: Tinicum

County: **Delaware**

Permit: **OP-23-0011**

Source: Major VOC and Minor NOx Facility

Issued: October 31, 1996

Company: **Sun, Inc. (R & M)**

Location: Darby

County: **Delaware**

Permit: **OP-46-0015**

Source: NOx and VOC Sources

Issued: November 7, 1996

Company: **Occidental Chemical Corp.**

Location: Lower Pottsgrove

County: **Montgomery**

Permit: **OP-46-0069**

Source: Synthetic Minor NOx Facility

Issued: October 31, 1996

Company: **Corson Lime**

Location: Whitmarsh

County: **Montgomery**

Permit: **OP-15-0039**

Source: Synthetic Minor Facility

Issued: November 7, 1996

Company: **Ackworth Materials, Inc.**

Location: East Caln

County: **Chester**

Permit: **OP-09-0030**

Source: NOx and VOC Sources

Issued: November 7, 1996

Company: **PreFinish Metals, Inc.**

Location: Fall

County: **Bucks**

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

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

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **15-307-024**

Source: Slab Caster Cut-Off Torch

Issued: October 30, 1996

Company: **Lukens Steel**

Location: Coatesville

County: **Chester**

Permit: **46-302-052A**

Source: Auxiliary Steam

Issued: October 31, 1996

Company: **PECO Energy Co.**

Location: Limerick

County: **Montgomery**

Permit: **15-310-039**

Source: Stone Crushing Plant

Issued: October 31, 1996

Company: **Devault Crushed Stone**

Location: Charlestown

County: **Chester**

Permit: **46-310-046**

Source: Pilot Rotary Calciner

Issued: October 31, 1996

Company: **PQ Corporation**

Location: Whitmarsh

County: **Montgomery**

Permit: **46-313-144**

Source: 6 Blending & Filling Stations

Issued: October 31, 1996

Company: **ITW Philadelphia**

Location: Montgomeryville

County: **Montgomery**

Permit: **46-399-100**

Source: Two Jet Fuel Storage Tanks

Issued: November 13, 1996

Company: **Department of the Air Force**

Location: Horsham

County: **Montgomery**

Permit: **46-302-202A**

Source: Two Boilers

Company: **Jet Plastica Industries, Inc.**

Location: Hatfield

County: **Montgomery**

Permit: **46-302-158**

Source: Keeler Boiler

Company: **Pottstown Memorial Medical Center**

Location: Pottstown

County: **Montgomery**

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

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

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **15-309-013A**

Source: Gas Fired Dryer

Issued: October 31, 1996

Company: **Refractory Minerals, Inc.**

Location: Avondale

County: **Chester**

Permit: **46-399-112**

Source: No-Bake Pump Mold and Casing

Issued: October 31, 1996

Company: **Hale Products, Inc.**

Location: Conshohocken

County: **Montgomery**

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

28-2005A. On November 8, 1996, the Department issued a Plan Approval to **Frick Company** (100 C. V. Avenue, Waynesboro, PA 17268) for the installation of the No. 105 paint spray booth in Waynesboro Borough, **Franklin County**.

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.

Bond Forfeiture Contracts Awarded:

No. BF 377-101.1. Lawrence Township, **Clearfield County**. Abandoned Mine Land Reclamation Project, Eastern Energy Corporation, Lawrence Township, Clearfield County; Contractor: **Earthmovers Unlimited, Inc.**; Amount: \$108,858; Date of Award: November 7, 1996.

No. BF 375-101.1. Redstone Township, **Fayette County**. Abandoned Mine Land Reclamation, R.M.&L. Company, Redstone Township, Fayette County; Contractor: **J & J Svonavec Excavating**; Amount: \$53,289; Date of Award: October 28, 1996.

No. BF 381-101.1. Fairfield and Ligonier Townships, **Westmoreland County**. Abandoned Mine Land Reclamation Project, Old Home Manor, Inc., Fairfield and Ligonier Townships, Westmoreland County, PA; Contractor: **Maud Mining Company**; Amount: \$1,070,239; Date of Award: October 10, 1996.

BF 371-101.1. Springhill Township, **Fayette County**. Abandoned Mine Land Reclamation Project, R.M.&L. Company, Special Reclamation Project No. 205, Springhill Township, Fayette County, PA; Contractor: **Wayne K. Baker**; Amount: \$123,870; Date of Award: October 28, 1996.

No. BF 28-103.1. Somerset Township, **Washington County**. Abandoned Mine Land Reclamation Project, I.S.C., Inc., Somerset Township, Washington County; Contractor: **Maud Mining Company**; Amount: \$249,515; Date of Award: September 19, 1996.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1937, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certification

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

E10-248. Encroachment. **Middlesex Township Supervisors**, 133 Browns Hill Road, Valencia, PA 16059. To remove the existing structure and to construct and maintain an 11-foot wide by 4.25-foot high corrugated metal box culvert in Glade Run on Overbrook Road approxi-

mately 800 feet downstream of Glade Run Lake Dam (DEP File No. D10-060) (Valencia, PA Quadrangle N: 16.6 inches; W: 4.5 inches) located in Middlesex Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E25-540. Encroachment. **Norman E. Mattson**, 347 Riley Drive, Girard, PA 16417. To construct and maintain a 48-inch diameter C. M. pipe culvert in a tributary to Raccoon Creek and to fill a total of 0.1 acre of wetland for construction of a private driveway extending south from S. R. 0020 approximately 1,200 feet west of Scott Road (T-336) (East Springfield, PA Quadrangle N: 15.0 inches; W: 8.5 inches) located in Springfield Township, **Erie County**. This project includes the construction of 0.1 acre of replacement wetland on site.

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

E09-708. Encroachment. **The Cutler Group, Inc.**, 5 Sentry Parkway West, Blue Bell, PA 19422. To perform the following activities associated with the construction of the Abom Tract Residential Subdivision:

1. To install and maintain a 36 inch twin reinforced concrete culvert, 72 feet in length, associated stormwater inlets and three 24-inch reinforced concrete pipes to support wetland hydrology along an unnamed tributary to the Little Neshaminy Creek (a.k.a. Southern Harvard Drive Crossing);

2. To install and maintain 66 linear feet of 53-inch by 34-inch-elliptical reinforced concrete culvert, associated stormwater inlets and one 19-inch by 30-inch elliptical concrete pipe to support wetland hydrology across an unnamed tributary to the Little Neshaminy Creek (a.k.a. Northern Harvard Drive Crossing);

3. To disturb a total of approximately 0.27 acre of wetlands associated with the construction of Harvard Drive;

4. To construct and maintain one 8-inch PVC sanitary sewer line and one 12-inch DIP water line associated with the Southern Harvard Drive Crossing.

5. To construct and maintain an 8 inch DIP water line associated with the Northern Harvard Drive Crossing.

This permit requires the construction of 0.27 acre of replacement wetlands. This site is situated approximately 1,000 feet west of the intersection of Street Road (S. R. 3001) and Elbow Lane (T-387) (Ambler USGS Quadrangle N: 20.7 inches; W: 4.8 inches) in Warrington Township, **Bucks County**.

[Pa.B. Doc. No. 96-2017. Filed for public inspection November 29, 1996, 9:00 a.m.]

Advisory Board/Committee Meeting Schedules for 1997

The following is a list of 1997 meetings of the Department of Environmental Protection's (DEP) advisory boards and committees. Notice of these meetings is being given in accordance with the Sunshine Act.

These schedules and an agenda for each meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Agricultural Advisory Board

The Agricultural Advisory Board meetings will be held in the First Floor Conference Room of the Rachel Carson State Office Building at 10 a.m. on the following dates:

February 26, 1997
April 23, 1997
June 25, 1997
August 27, 1997
October 22, 1997
December 17, 1997

Contact: Dean Auchenbach, Bureau of Land and Water Conservation, (717) 772-5668, or e-mail Auchenbach.Dean@a1.dep.state.pa.us.

Air and Water Quality Technical Advisory Committee

The Air and Water Quality Technical Advisory Committee (AWQTAC) meetings will be held in the First Floor Conference Room of the Rachel Carson State Office Building beginning at 9:30 a.m. on the following dates:

February 20, 1997
April 17, 1997
June 19, 1997
August 21, 1997
October 23, 1997
December 18, 1997

Contact: Keith Gentzler, Office of Water Management, at (717) 787-4686, or e-mail Gentzler.Keith@a1.dep.state.pa.us.

Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board (CSSAB) meetings will be held in the Rachel Carson State Office Building at 9 a.m. as follows:

January 29-30, 1997	14th Floor Conference Room
March 5-6, 1997	12th Floor Conference Room (March 5) 14th Floor Conference Room (March 6)
June 26, 1997	14th Floor Conference Room
September 25, 1997	14th Floor Conference Room
December 11, 1997	14th Floor Conference Room

Additional meetings may be scheduled to accommodate agenda items for the Committee.

Contact: Marilyn Wooding or Tom Fidler, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816, or e-mail Wooding.Marilyn@a1.dep.state.pa.us or Fidler.Tom@a1.dep.state.pa.us.

Coastal Zone Advisory Committee

The Coastal Zone Advisory Committee will meet in the 10th Floor Conference Room of the Rachel Carson State Office Building at 9:30 a.m. on the following date:

January 15, 1997

Contact: Robert S. Edwards, Bureau of Land and Water Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-2529, or e-mail Edwards.Robert@a1.dep.state.pa.us.

Low-Level Waste Advisory Committee

The Low-Level Waste Advisory Committee (LLWAC) meetings will be held at 9 a.m. (location to be announced at a later date) on the following dates:

March 14, 1997
June 13, 1997
September 12, 1997
December 12, 1997

Contact: Marianne Hansen, Bureau of Radiation Protection, at (717) 787-2480, or e-mail Hansen.Marianne@a1.dep.state.pa.us.

Mining and Reclamation Advisory Board

The Mining and Reclamation Advisory Board meetings will be held in the 6th Floor Conference Room of the Rachel Carson State Office Building on the following dates:

April 24, 1997
July 3, 1997
October 23, 1997

Contact: Rod Kelley, Office of Mineral Resources Management, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-5338, or e-mail Kelley.Rodney@a1.dep.state.pa.us.

Pennsylvania Bituminous Mine Safety Advisory Committee

The Pennsylvania Bituminous Mine Safety Advisory Committee meetings will be held in the Fayette County Health Center in Uniontown at 10 a.m. on the following dates:

April 9, 1997
July 9, 1997
October 8, 1997

Contact: Allison Trader, Bureau of Deep Mine Safety, at (412) 439-7469, or e-mail Trader.Allison@a1.dep.state.pa.us.

Radiation Protection Advisory Committee

The Radiation Protection Advisory Committee (RPAC) will meet at 9 a.m. (location to be announced at a later date) on the following date:

September 24, 1997

Contact: Marianne Hansen, Bureau of Radiation Protection, at (717) 787-2480, or e-mail Hansen.Marianne@a1.dep.state.pa.us.

Recycling Fund Advisory Committee—Annual Meeting

The Recycling Fund Advisory Committee (RFAC) annual meeting will be held in the First Floor Conference Room of the Rachel Carson State Office Building on the following date:

July 10, 1997

Contact: Diana Welker, Bureau of Land Recycling and Waste Management, (717) 787-7381, e-mail Welker.Diana@a1.dep.state.pa.us or Keith Kerns at the same number or through e-mail at Kerns.Keith@a1.dep.state.pa.us.

Sewage Advisory Committee

The Sewage Advisory Committee (SAC) meetings will be held in Room G-50 of the Forum Building, Commonwealth and Walnut Streets, at 10 a.m. on the following dates:

March 19, 1997
November 5, 1997

Contact: Milton Lauch, Bureau of Water Quality Management, at (717) 787-3481, or e-mail Lauch.Milton@a1.dep.state.pa.us.

Solid Waste Advisory Committee

The Solid Waste Advisory Committee (SWAC) meetings will be held the second Thursday of every other month; additional meetings may be scheduled to accommodate agenda items for the Committee. All meetings are expected to begin at 10 a.m. and will be held as follows:

January 9, 1997	1st Floor Conference Room, RCSOB, Harrisburg
March 13, 1997	1st Floor Conference Room, RCSOB, Harrisburg
May 8, 1997	1st Floor Conference Room, RCSOB, Harrisburg
July 10, 1997	RECYCLING FUND ADVISORY COMMITTEE 1st Floor Conference Room, RCSOB, Harrisburg
September 11-12, 1997	Kings Gap Environmental Education Center, Carlisle
November 13, 1997	1st Floor Conference Room, RCSOB, Harrisburg

Contact: Rose Prough or Gayle Leader, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, or e-mail Prough.Rose@a1.dep.state.pa.us or Leader.Gayle@a1.dep.state.pa.us.

Small Business Compliance Advisory Committee

The Small Business Compliance Advisory Committee meetings will be held in the Delaware Room, 16th Floor of the Rachel Carson State Office Building at 10:30 a.m. on the following dates:

January 22, 1997
April 23, 1997
July 23, 1997
October 22, 1997

Contact: Scott L. Kepner, Bureau of Air Quality, at (717) 787-1663, or e-mail Kepner.Scott@a1.dep.state.pa.us.

Storage Tank Advisory Committee

The Storage Tank Advisory Committee meetings will be held in the 10th Floor Conference Room of the Rachel Carson State Office Building from 10 a.m. to 2:30 p.m. on the following dates:

February 4, 1997
June 12, 1997
October 7, 1997

Times and location are subject to change. Please verify prior to each meeting.

Contact: Karl Sheaffer, Division of Storage Tanks, at 1 (800) 42-TANKS or (717) 772-5599, or e-mail at Sheaffer.Karl@a1.dep.state.pa.us.

Technical Assistance Center for Small Water Systems

The Technical Assistance Center for Small Water Systems meetings will be held in the 10th Floor Conference Room of the Rachel Carson State Office Building at 9:30 a.m. on the following dates:

February 11, 1997
May 13, 1997
August 12, 1997
November 18, 1997

Contact: Donna Green, Bureau of Water Supply and Community Health, at (717) 787-9037, or e-mail Green.Donna@a1.dep.state.pa.us.

Wetlands Protection Advisory Committee

The Wetlands Protection Advisory Committee meetings will be held in the First Floor Conference Room of the Rachel Carson State Office Building at 10 a.m. on the following dates:

January 7, 1997
 March 4, 1997
 May 6, 1997
 July 8, 1997
 September 9, 1997
 November 5, 1997

Contact: Shirley Rodrock, Bureau of Dams, Waterways and Wetlands, at (717) 787-6827, or e-mail Rodrock.Shirley@a1.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the individual listed for each board/committee or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Citizens Advisory Council to the Department of Environmental Protection

The Citizens Advisory Council meetings will be held in the Rachel Carson State Office Building at 9 a.m. on the following dates:

January 14, 1997
 February 11, 1997
 March 17, 1997
 April 14, 1997
 May 19, 1997
 June 16, 1997
 July 14, 1997
 September 15, 1997
 October 20, 1997
 November 17, 1997

Contact: Susan Wilson, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527, or e-mail Wilson.Susan@a1.dep.state.pa.us.

This schedule and an agenda for each meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

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

Environmental Quality Board

The Environmental Quality Board (EQB) meetings will be held in the First Floor Conference Room of the Rachel Carson State Office Building. EQB meetings are held the third Tuesday of each month, unless otherwise noted, when agenda items are available for consideration. All 1997 meetings will begin at 10 a.m. on the following dates:

January 21, 1997
 February 18, 1997
 March 18, 1997
 April 15, 1997
 *May 21, 1997
 June 17, 1997
 July 15, 1997
 August 19, 1997
 September 16, 1997
 October 21, 1997
 November 18, 1997
 December 16, 1997

*Please note the May meeting is scheduled for Wednesday due to Primary Election Day.

Contact: Sharon Freeman, Regulatory Coordinator, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, or e-mail Freeman.Sharon@a1.dep.state.pa.us.

This schedule and an agenda for each meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

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

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-2018. Filed for public inspection November 29, 1996, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the non-regulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996 edition of the *Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent Inventory was published June 1996. This Inventory is also posted on DEP's World Wide Web page. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose Public Participation Center/Recently Finalized Regulations and Legislation/Technical Guidance Document Inventory (6/12/96).

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center has several menus; the Technical Guidance menu has links to the Inventory, Draft Technical Guidance Documents, Recently Finalized Technical Guidance Documents and Final Documents on the Web.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance

DEP ID: 362-2000-008 Title: Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications Description: This policy outlines a process for accelerating the renewal of National Pollutant Discharge Elimination System (NPDES) permits for minor discharges upon satisfaction of specified criteria. Contact: Lou Bercheni at (717) 787-4317.

Draft Technical Guidance

DEP ID: 392-2134-011 Title: Soil Erosion and Sedimentation Control Manual for Agriculture Background: DEP plans to have current guidance for conservation plan development available and compatible with the nutrient management regulations. The program presented the draft manual to the Agricultural Advisory Board on October 23, 1996. A subcommittee of the Board is reviewing the draft. A copy of the current draft is on DEP's Web site at the Public Participation Center. Deadline for Submittal of comments: December 31, 1996 Contact: John J. Mank at (717) 783-7577.

Notice of Intent to Develop—New Technical Guidance

Title: Mining/Blasting near Utilities and Pipelines Background: This guidance establishes permitting procedures and safety guidelines which coal mine operators should follow to insure utility line protection from the affects of blasting. These guidelines are also intended to facilitate communication between operators and utility owners so that mining applications can be processed in a timely manner. Anticipated Effective Date: January 1, 1997 Anticipated Draft Development Date: October 30, 1996 Proposed Development and Review Process: We intend to involve the International Society of Explosive Engineers, the PA Coal Association and the PA Utility Contractors Association in the review of this document. Contact: Michael J. Getto at (717) 787-7846.

Title: Coal Refuse Disposal—Site Selection and Development Background: The Department is proposing to develop an official guidance explaining the way in which it applies the site selection and development requirements mandated by Act 114 of 1994. The Department has an existing guidance document which it developed in 1995 to serve this purpose; however, that document includes provisions which should be changed to address the recommendations for district office staff, program counsel and OSM. Anticipated Effective Date: March 1, 1997 Anticipated Draft Development Date: December 15, 1996 Proposed Development and Review Process: Plans are to draft the guidance internally with assistance from district mining staff and program counsel. The draft will be circulated among district offices, program counsel, the Policy Office, the PA Coal Association, the PA Anthracite Council, the Fish and Boat Commission, the Game Commission, the U. S. Fish and Wildlife Service, EPA and OSM. Contact: Harold Miller at (717) 783-8845.

Notice of Intent to Revise Technical Guidance—Revisions to Existing Guidance

DEP ID: 550-2100-003 Title: Technical Services Manual Background: DEP staff use this policy and procedures manual to review applications and issue permits for drilling and operating oil and gas wells, as well as considering other related permits and approvals. This is a bulky document containing procedures, forms, instructions, sample letters, as well as policy. The program plans to condense and rewrite the manual so that it contains only the policy or discretionary practice relating to the subject matter and to retitle it as "Policy Guidance on Oil

and Gas Well Permits and Related Permits and Approvals." The excised material (administrative procedures, forms and instructions, sample letters, and the like) will be placed in a staff procedural manual not listed on DEP's Inventory, but available upon request to the Bureau. Anticipated Effective Date: January 31, 1997 Anticipated Draft Date: November 30, 1996 Proposed Development and Review Process: The program plans to distribute the draft document to the program's standard distribution list and any party that requests a copy. Then, the program will consider the comments, revise the text and distribute the final version. Contact: Frank Bialas at (717) 772-0220.

DEP ID: 560-0700-304 Title: Surface Mine Review Background: This document establishes criteria for review of Surface Mine Applications on "High Quality Waters." The regulations for protection of special protection watersheds (High Quality and Exceptional Value) are being proposed for change by BWQM based on a Federal court order. Anticipated Effective Date: October 1997 (based upon effective date of the regulation change) Anticipated Draft Development Date: March 31, 1997 Proposed Development and Review Process: Plans are to draft the guidance internally with assistance from district mining staff and program counsel. The draft will be circulated to district offices, program counsel, the Policy Office, the PA Coal Association, the PA Anthracite Council, the PA Aggregates and Concrete Association and citizens groups. Contact: Thomas L. Whitcomb at (717) 783-8845.

DEP ID: 563-0300-101. Title: Engineering Manual for Coal Background: The engineering manual was published in July 1990 and explains areas of the coal mining activity permit applications that involve engineering technical review (for example, erosion and sediment control plans, water treatment plans). The manual is intended to be used by consultants, mine operators and Department personnel. Recent regulatory changes within 25 Pa. Code Chapter 86-90 require that the manual be updated. Anticipated Effective Date: July 1997 Anticipated Draft Development Date: February 1997 Proposed Development and Review Process: The Bureaus of Mining and Reclamation and District Mining Operations will develop a revised draft manual. A draft document will be presented to the Pennsylvania Mining Professionals, the Pennsylvania Coal Association and the Pennsylvania Anthracite Council and the public for review and comment. Contact: Alfred Dalberto at (717) 783-8845.

DEP ID: 563-2000-207 BMR PGM: II:2:7 Title: Application Review, Valid Existing Rights Background: This guidance concerns "valid existing rights," for example: the right of a mine operator to conduct operations in an otherwise restricted area. The guidance will need to be changed as a result of a pending regulation which will change the definition of the term "valid existing rights" to conform to the definition in Federal counterpart regulations. Anticipated Effective Date: December 1, 1997 Anticipated Draft Development Date: October 1, 1997 Proposed Development and Review Process: Plans are to draft a revised guidance with assistance from district mining staff and program counsel. The extent to which the draft is circulated outside the Department will depend on the source and nature of comments received during the rule change. Contact: Milton McCommons at (717) 787-4761.

DEP ID: 563-2000-208 BMR PGM: II:2:8 Title: Application Review, Right of Entry Background: This document establishes criteria for right of entry for mining operations. The coal regulations relating to right of entry are

being proposed for change under the Department's Regulatory Basics Initiative. Also, case law regarding use of deeds of severance for demonstrating right of entry warrant changes to this guidance. Anticipated Effective Date: November 1997 (based upon effective date of regulation change) Anticipated Draft Development Date: August 29, 1997 Proposed Development and Review Process: Plans are to draft the guidance internally with assistance from district mining staff and program counsel. The draft will be circulated to district offices, program counsel, Policy Office, PA Coal Association, PA Anthracite Council, PA Aggregates and Concrete Association and citizens groups. Contact: Thomas L. Whitcomb at (717) 783-8845.

DEP ID: 563-2000-602 BMR PGM: II:6:2 Title: Sewage Sludge Utilization for Reclamation of Active Surface Mines and Coal Refuse Disposal Operations Background: The Department encourages the use of sewage sludge of acceptable quality as a soil supplement for mine reclamation under the mining program. This policy has been in effect since June 1984. Amendments to the sewage sludge management regulations (25 Pa. Code Chapter 271) were approved by the EQB as final rulemaking on October 15, 1996 (will be effective upon publication in the *Pennsylvania Bulletin*). These amendments will require changes in this guidance. Anticipated Effective Date: May 1997 Anticipated Draft Development Date: January 1997 Proposed Development and Review Process: The Bureaus of Mining and Reclamation, District Mining Operations, Land Recycling and Waste Management, and Water Quality Management will be involved in the initial development of this guidance. A draft will be presented to the Pennsylvania Coal Association, Pennsylvania Anthracite Council and the Pennsylvania Mining Professionals and the public for review and comment. Contact: Alfred Dalberto at (717) 783-8845.

DEP ID: 563-2112-604 BMR PGM: II:6:4 Title: Auger Mining Background: This guidance establishes procedures for evaluating proposals for the auger mining of coal. The coal regulations relating to auger mining are being proposed for change under the Department's Regulatory Basics Initiative. The regulation change will require revisions to this guidance. Anticipated Effective Date: November 1997 (based upon anticipated effective date of regulation change) Anticipated Draft Development Date: October 1997 Proposed Development and Review Process: Draft of the revisions to be reviewed by the District Mining Offices and the Office of Chief Counsel. The draft guidance will be reviewed with the Pennsylvania Coal Association, Pennsylvania Mining Professionals, the Mining and Reclamation Advisory Board and the public. Contact: Nevin Strock at (717) 783-8845.

DEP ID: 563-2112-206 BMR PGM: II:2:6 Title: Fly Ash/Bottom Ash Disposal at Active Mine Sites Background: The technical guidance on the beneficial use of coal ash at mining activity sites has been in effect since August 1986. Amendments to the residual waste management regulations (25 Pa. Code Chapter 287) were approved by the EQB as final rulemaking on October 15, 1996 (will be effective upon publication in the *Pennsylvania Bulletin*). These amendments will require changes in this guidance. Anticipated Effective Date: July 1997 Anticipated Draft Development Date: December 1996 Proposed Development and Review Process: The Bureaus of Mining and Reclamation, District Mining Operations, Land Recycling and Waste Management and Abandoned Mine Reclamation will be involved in the initial development of this guidance. A draft will be presented to the Mining and Reclamation Advisory Board, the Pennsylvania

Coal Association, Pennsylvania Anthracite Council, Anthracite Region Independent Power Producers Association, Pennsylvania Electric Association, the Pennsylvania Mining Professionals and the public for review and comment. Contact: Alfred Dalberto at (717) 783-8845.

Notice of Intent to Rescind Technical Guidance—Bureau of Air Quality

Persons having questions about any of the Bureau of Air Quality technical guidance documents listed in this section should contact Ralph Scanlan at (717) 787-9702.

DEP ID: 273-4130-002 Title: Chapter 127 Penalty Policy Background: This document included information regarding the provision of penalties for violations of the Air Quality Permit regulations. It is being deleted as a separate document because these procedures were considered with the revised document 273-4130-003 (Civil Penalty Assessment Procedure).

Notice of Intent to Remove Technical Guidance from the Inventory—Bureau of Radiation Protection

Persons having questions about any of the Bureau of Radiation Protection technical guidance documents listed in this section should contact Ed Burtsavage at (717) 787-3720.

DEP ID: 292-0400-001 Title: Environmental Radiation Surveillance Manual Background: This document contains important factual information for staff, but it is not a policy document.

DEP ID: 291-2308-001 Title: X-Ray Machine Registration and Radioactive Material Licensing Procedures Background: These materials are only forms and instructions to complete the forms, rather than policies.

DEP ID: 294-0400-001 Title: Radon Division's Policy and Procedures and DEP ID: 294-3500-001 Title: Radon Certification Inspection Background: These documents have been revised and replaced by DEP ID: 294-2309-001.

Notice of Intent to Rescind Technical Guidance—Bureau of Water Supply and Community Health

Persons having questions about any of the Bureau of Water Supply and Community Health technical guidance documents listed in this section should contact Donna Pollinger at (717) 787-5017.

DEP ID: 382-2130-010 Title: Emergency Permits Background: This document was rescinded as a part of the Bureau's review of all its technical guidance.

DEP ID: 382-2130-011 Title: Memorandum of Understanding—Act 537/Water Allocation Permits Background: This document dates from a time prior to the decentralization of the Water Allocation Program. This MOU is no longer adhered to by regional program staff and has been replaced by standard permit coordination procedures currently in place in the regional offices.

Notice of Intent to Rescind Technical Guidance—Bureau of Water Quality Management

Persons having questions about any of the Bureau of Water Quality Management technical guidance documents listed in this section should contact Lou Bercheni at (717) 787-4317.

DEP ID: 360-0700-001 Title: Cooperation with Other Agencies Background: This document is obsolete. Deleting it will have no impact on the program.

DEP ID: 360-0700-002 Title: Correspondence Covering County Health Departments Background: This document

is obsolete. Deleting it will have no impact on the program.

DEP ID: 360-0900-001 Title: Initiating, Reviewing and Adopting Policies and Procedures Background: This document is obsolete and redundant. It has been superseded by DEP's policy on "Development, Approval and Distribution of New Regulations and Technical Guidance Documents." Its rescission will have no program impact.

DEP ID: 361-3200-001 Title: Stream Surveys Background: This document will be replaced by a standardized biological field collection document. Its rescission will have no program impact.

DEP ID: 361-3200-012 Title: Total maximum Daily Load/Waste Load Allocation Toxins Survey Background: This document is outdated. It has not been used for several years. Its rescission will have no program impact.

DEP ID: 363-0900-008 Title: Change of Tank Ownership Registration Procedures Background: The information in this document is being incorporated into the Division of Storage Tanks administrative procedures.

DEP ID: 363-0900-010 Title: Sump Tanks Background: This guidance has been incorporated into the proposed Certification Regulations (Chapter 245).

DEP ID: 363-0900-013 Title: Tank Tightness Testing—UST System Background: This guidance has been incorporated into the proposed Certification Regulations (Chapter 245).

DEP ID: 363-0700-001 Title: Regulatory Review Process, Interaction with SAC Background: This document is obsolete and redundant.

The Federal construction grants program is scheduled to phase out and terminate by September 30, 1998. All related documents listed here will be obsolete upon termination of the program. Therefore the rescission date for all of these documents is 9/30/98.

DEP ID	Title
364-5510-001	Processing Change Orders
364-5510-002	Construction Grants I/I Analysis and SSES
364-5510-003	Changes in Project Scope for EPA Construction Grants Projects
364-5510-004	Preparation of Federal Grant Agreement/Amendment Documents
364-5510-005	A/E Contracts Subagreements Review
364-5510-006	Operations/Maintenance/Management in the Construction Grants Program
364-5510-007	Construction Grant Payment Review and Outlay Management Procedures
364-5510-008	Force Account Review
364-5510-009	Federal Grants Project Close-out
364-5510-010	Management of Construction Grant Funds
364-5510-011	Wage Rates
364-5510-012	Approving Grant Increases

DEP ID: 364-3110-001 Title: STP Operation during Modification Background: This document will be included in the Domestic Wastewater Facilities Manual, which is a bureau publication. It will be deleted as a separate document once the Manual has been revised (anticipated date March 1, 1997).

DEP ID: 364-3110-002 Title: Mercury Seals for Tricking Filters and Comminutors Background: This document will be included in the Domestic Wastewater Facilities Manual. It will be deleted as a separate document once the Manual has been revised (anticipated date March 1, 1997).

DEP ID: 364-2206-006 Title: Act 537 Plan Review—Acceptance of Complete Plan Background: This document is obsolete. Its rescission will have no program impact.

Notice of Intent to Rescind Technical Guidance—Bureau of Land and Water Conservation

Persons having questions about any of the Bureau of Land and Water Conservation technical guidance documents listed in this section should contact Pat Marrocco at (717) 787-5267.

DEP ID: 394-2000-017 Title: Coastal Programs Federal Consistency Review Procedures Background: This document does not meet the definition of a guidance document and should be rescinded.

Notice of Intent to Rescind Technical Guidance—Bureau of Mining and Reclamation

Persons having questions about any of the Bureau of Mining and Reclamation technical guidance documents listed in this section should contact Dottie Shellehamer at (717) 787-5103.

DEP ID: 560-0700-305 BMR PGM ID: Section II, Part 3, Subpart 5 Title: PHMC Noncoal Coordination Background: This guidance concerns coordination with PHMC regarding industrial mineral (Noncoal) permit applications. Appropriate provisions will be incorporated into Guidance Document No. 560-0700-301 titled, Coordination with the PHMC, which is being revised. There will be no impact on the operation of the program.

DEP ID: 561-2000-711 BMR PGM ID: Section V, Part 700, Subpart 711 Title: General Information, Municipal Mining Background: Much of the guidance in the document has been superseded by an existing program guidance titled Noncommercial Exemption from Requirements of the Noncoal SMCRA (563-2111-101). The remaining guidance is already addressed in another program guidance.

DEP ID: 562-2112-502 Title: Microfilming of Pre-Blast Surveys Background: This guidance describes how to prepare a pre-blast survey for microfilming. Since the Department no longer prepares surveys for microfilming, there is no longer a need for this document.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-2019. Filed for public inspection November 29, 1996, 9:00 a.m.]

Low-Level Waste Advisory Committee Meeting

The Department of Environmental Protection's Low-Level Waste Advisory Committee (LLWAC) meeting is scheduled for Thursday, December 12, 1996, from 9 a.m.—12 p.m., at the Rachel Carson State Office Building, EQB Room 105, First Floor.

Questions concerning this schedule should be directed to Marianne Hansen at (717) 787-2480 or e-mail at Hansen.Marianne@a1.dep.state.pa.us. The agenda for this meeting will be available through the Public Participation

Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact 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. 96-2020. Filed for public inspection November 29, 1996, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting

A Radiation Protection Advisory Committee Meeting (RPAC) is scheduled for December 12, 1996, at 9 a.m. in the 2nd Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the RPAC meeting should be addressed to Stuart Levin at (717) 787-3720 or e-mail at levin.stuart@al.dep.state.pa.us. The agenda is also available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Stuart Levin directly at (717) 787-3720 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. 96-2021. Filed for public inspection November 29, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Policy Board

The Health Policy Board is scheduled to hold a meeting on December 11, 1996, from 10:30 a.m. to 4 p.m. in room 812 of the Health and Welfare Building, Harrisburg, PA. Prehearing conferences are scheduled from 1 p.m. to 4 p.m. Anyone wishing to attend the meeting or have questions regarding the meeting should contact Donna Culbertson at (717) 783-1410.

For additional information, or for persons with a disability who desire to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Donna Culbertson at (717) 783-1410. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-2022. Filed for public inspection November 29, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Revision to Physician Assistant and Midwife Supervision Requirements; Notice of Rule Change

The Department of Public Welfare announces that effective September 1, 1996, the Department is revising its policy to permit physician assistants and midwives to provide medical services, as allowed by State Law, to Medical Assistance recipients as long as the physician is accessible by telephone or some other means of communication. This Rule Change will be adopted by final rule-making to 55 Pa. Code § 1141.53(f).

This Rule Change will maintain consistency between Medical Assistance regulations and the current practice standards and licensure for physician assistants and midwives. Failure to implement will produce inconsistency for the Medical Assistance Program with current practice standards and licensure.

This Rule Change has been reviewed by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1996-1(3), 26 Pa.B. 2374 and will be in effect for 180 days pending adoption by the Department.

Public comments to this Rule Change can be made by contacting the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

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

FEATHER O. HOUSTOUN,
Secretary

Purpose

The purpose of this notice is to inform providers that the Department revised the supervision requirements for physician assistants and midwives.

Scope

This notice is applicable to all physicians and midwives enrolled in the Medical Assistance Program.

Background

Medical Assistance regulation Chapter 1141, Section 1141.53(f) states that a physician assistant and midwife must be under the direct supervision of a physician when providing medical services to a Medical Assistance recipient. Current practice standards and licensure for physician assistants and midwives now permit them to provide medical services to patients as long as the physician is accessible by telephone or some other means of communication.

Discussion

Since the Medical Assistance Program's policy is not consistent with current practice standards and license for physician assistants and midwives in the Commonwealth, the Department is revising its policy on this requirement to comply with these practice standards and licensure.

Beginning September 1, 1996, physician assistants and midwives will be permitted to provide medical services to Medical Assistant recipients on behalf of a physician without the direct supervision of that physician as long as the physician is accessible at all times by telephone or some other means of communication permitted under current Pennsylvania practice standards and licensure.

Policy

Beginning September 1, 1996, the Department will apply 55 Pa. Code Chapter 1141 as follows:

§ 1141.53. Payment conditions for outpatient services.

* * * * *

(f) All covered outpatient physicians' services billed to the Department shall be performed by one of the following:

- (i) The physician personally.
- (ii) A registered nurse under the physician's direct supervision.
- (iii) A physician assistant or midwife provided that physician is accessible at all times by telephone or some other means of communication as permitted under current Pennsylvania practice standards and licensure.

* * * * *

Next Step

The Department will amend the Medical Assistance regulations through the regulatory process.

[Pa.B. Doc. No. 96-2023. Filed for public inspection November 29, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

**Armstrong, Butler, Clarion, Indiana and
Jefferson Counties
Reference No. 08430AG2033**

The Department of Transportation will retain an engineering firm for an open-end contract for environmental studies and engineering services on various projects located in Armstrong, Butler, Clarion, Indiana and Jefferson Counties in Engineering District 10-0. The contract will be for a minimum 30 month period with projects assigned on an as-needed basis. The required services may encompass a wide range of environmental and design efforts with the possibility of several different types of projects having short completion schedules. The emphasis of this contract will be on the performance of environmental studies. The anticipated types of projects may include, but are not limited to, air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socio-economic; cultural; Section 4(f) and Section 106 documents; threatened and endangered species including the services of a qualified malacologist; hazardous waste investigations and public involvement coordination. The maximum amount of the open-end contract will be a minimum of \$750,000.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an

open-end contract 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. Specialized experience related to environmental studies.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload.
- d. Available staffing for this assignment.
- e. Relative size of firm to size of projects that may be completed under this contract.
- f. Location of consultant in respect to the District.

The firm may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socio-economic; cultural; Section 4(f) and Section 106 documents; threatened and endangered species including the services of a qualified malacologist; hazardous waste investigations; public involvement coordination; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies. The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations

and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad-related cost estimates, permits, insurance, approvals and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The environmental studies and engineering services identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this open-end contract.

Technical questions concerning the requirements for this project should be directed to Tim Jablunovsky, P.E., District 10-0 at (412) 357-2982.

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

General Requirements and Information

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

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

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

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

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to

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

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

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

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."

2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will

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

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

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

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

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

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

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-2024. Filed for public inspection November 29, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

DEP v. Crown Recycling and Recovery, Inc.; EHB
Doc. No. 92-429-CP-MG

The Department of Environmental Protection (Department) and Defendants, Universal Manufacturing Corporation and Magnetek, Inc., have agreed to a settlement of the above matter, the major provisions of which include:

1. This is a partial settlement of the above matter, which resolves a portion of the Department's claim for reimbursement of response costs incurred at the Crown Industries site;
2. The settlement resolves the liability of two defendants named in the Department's Complaint, Universal Manufacturing Corporation and Magnetek, Inc. (collectively, the Settling Defendant);
3. The agreement requires the Settling Defendant to pay the Department the sum of \$3.15 million dollars, no later than January 31, 1997;
4. The Department will provide the Settling Defendant with a covenant not to sue, the terms of which are more fully set forth in the Partial Consent Adjudication. Additionally, the Department agrees that the Settling Defendant shall be eligible for protection from contribution, to the extent provided by section 113(f)(2) of CERCLA (42 U.S.C.A. § 9613(f)(2)), and section 705(c)(2) of HSCA (35 P. S. § 6020.705(c)(2)).

Copies of the "Partial Consent Adjudication" are in the hands of:

Russell R. Eggert, Esquire, Mayer, Brown & Platt, 190 South LaSalle Street, Chicago, IL 60603;

Dennis M. Abraham, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Regional Counsel, Lee Park, 555 North Lane, Suite 6015, Conshohocken, PA 19428-2233, Telephone: (610) 832-6300;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement may have the right of an appeal to the Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, Harrisburg, PA 17105.

Appeals must be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this if no objection is timely made.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

GEORGE J. MILLER,
Secretary

[Pa.B. Doc. No. 96-2025. Filed for public inspection November 29, 1996, 9:00 a.m.]

Republic Engineered Steels, Inc. v. DEP; EHB Doc. No. 96-240-MR

Republic Engineered Steels, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility to Beaver Falls, Beaver County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-2026. Filed for public inspection November 29, 1996, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Invitation to Bid

The Health Care Cost Containment Council is soliciting bids for qualified vendors for the purpose of satisfying a Data Warehousing Solution. Interested parties are requested to contact the Council Office by writing the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101; or by calling (717) 232-6787 for copies of the Request for Proposal. Bids are due to the Council no later than 5 p.m. on December 30, 1996.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 96-2027. Filed for public inspection November 29, 1996, 9:00 a.m.]

Meeting Notice

The following meeting of the Health Care Cost Containment Council has been scheduled: Wednesday, December 4, 1996, Data Systems Committee, 1:30 p.m. The meeting will be held at the Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101. The meeting is open to the public. Persons who need accommodation due to a disability and want to attend the meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market

Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 96-2028. Filed for public inspection November 29, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Form Rulemakings

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-322	Department of Transportation Minimum Standards for Fixed Base Operations	11/14/96

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-2029. Filed for public inspection November 29, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Penn-Star Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on November 12, 1995 and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2030. Filed for public inspection November 29, 1996, 9:00 a.m.]

Application and Request for Plan Approval of a Merger

The Green Tree Insurance Company, a Pennsylvania domiciled stock casualty insurance company, has submit-

ted a Plan of Merger, whereby it proposes to merge with Pennsylvania Patriot Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The survivor will be The Green Tree Insurance Company. The initial filing was received on November 12, 1996, and was made under requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. §§ 1921—1932 and 21205—21207 and 40 P. S. § 991.1402. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving of this merger are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2031. Filed for public inspection November 29, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Robert C. Hinckle; file no. 96-265-36041; Keystone Insurance Company; doc. no. PH96-11-010; January 22, 1997, at 9 a.m.;

Appeal of Gail B. Fisher; file no. 96-265-36230; Keystone Insurance Company; doc. no. PH96-11-009; January 22, 1997, at 10 a.m.;

Appeal of Lorraine S. Cromwell; file no. 96-265-36183; Keystone Insurance Company; doc. no. PH96-11-006; January 22, 1997, at 11 a.m.;

Appeal of Virginia D. Rogers; file no. 96-265-35937; Keystone Insurance Company; doc. no. PH96-11-005; January 22, 1997, at 1 p.m.;

Appeal of Henry W. and Annie Allen; file no. 96-265-35803; Keystone Insurance Company; doc. no. PH96-11-026; January 22, 1997, at 2 p.m.;

Appeal of Dennis J. Butler; file no. 96-264-36737; Nationwide Mutual Insurance Company; doc. no. PH96-11-003; January 23, 1997, at 11 a.m.;

Appeal of Wayne O. King; file no. 96-121-06794; State Farm Mutual Automobile Insurance; doc. no. P96-11-018; January 28, 1997, at 9 a.m.;

Appeal of Harry Raub; file no. 96-121-06462; State Farm Mutual Automobile Insurance; doc. no. P96-11-015; January 28, 1997, at 10 a.m.;

Appeal of Albert B., Sr. and Kathleen J. Cassidy; file no. 96-265-36136; State Farm Mutual Automobile Insurance; doc. no. PH96-11-011; January 28, 1997, at 1 p.m.;

Appeal of Briann Tate; file no. 96-223-36454; Providian Auto and Home Insurance Company; doc. no. PH96-11-004; January 29, 1997, at 9 a.m.;

Appeal of Ellis R. Frantz; file no. 96-304-72757; Erie Insurance Company; doc. no. PI96-11-007; January 29, 1997, at 10 a.m.;

Appeal of Kirk and Helen Newsome; file no. 96-124-06157; Maryland Casualty Company; doc. no. P96-11-013; January 29, 1997, at 11 a.m.;

Appeal of Daniel L. Szolek; file no. 96-121-06468; Goodville Mutual; doc. no. P96-11-016; February 4, 1997, at 9 a.m.;

Appeal of William B. and Kathryn M. Yedesko; file no. 96-121-06594; The First Liberty Insurance Company; doc. no. P96-11-017; February 4, 1997, at 10 a.m.;

Appeal of Brenda J. Houser; file no. 96-264-36422; State Farm Mutual Auto Insurance Company; doc. no. PH96-11-012; February 11, 1997, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2032. Filed for public inspection November 29, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refund of Insurance

The following insurers have requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Donegal Mutual Insurance Company; file no. 96-121-06523; Justin Bradley; doc. no. P96-11-019; January 23, 1997, at 9 a.m.;

Appeal of Donegal Mutual Insurance Company; file no. 96-183-06834; John F. Moeslein; doc. no. P96-11-020; January 23, 1997, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P.S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2033. Filed for public inspection November 29, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Robert and Christine Crispino; file no. 96-265-36390; CIGNA Property & Casualty; doc. no. PH96-11-008; February 4, 1997, at 9 a.m.;

Appeal of Edward and Deborah Benkoski; file no. 96-121-06363; State Auto Insurance Company; doc. no. P96-11-021; February 5, 1997, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2034. Filed for public inspection November 29, 1996, 9:00 a.m.]

Timetable for Submission of Petitions to Intervene

The Court of Common Pleas of Lancaster County, Pennsylvania recently issued a decision transferring the three listed cases to the Insurance Commissioner for determining the issue "whether the approved premiums for single automobile insurance policies issued by the . . . defendants wrongfully includes a charge for stacking coverage contrary to 75 Pa.C.S.A. § 1738."

By this notice, the Insurance Department establishes the following timetable for the submission of Petitions to Intervene for the following pending cases:

Appeal of Patricia A. Leed
Company: Donegal Mutual Insurance Company
Docket: MS96-10-055

Appeal of Edwin Ross, Jr.
Company: Nationwide Mutual Insurance Company,
Nationwide Property and Casualty Insurance Company,
Nationwide General Insurance Company, and
Nationwide Mutual Fire Insurance Company
Docket: MS96-10-055

Appeal of Dorothea E. Fasig
Company: United States Fidelity & Guaranty Company
Docket: MS96-10-055

Interested persons must submit a Petition to Intervene, under 1 Pa. Code § 35.27 *et seq.* on or before December 6, 1996. If intervention is granted, a hearing is scheduled for the week of January 27, 1997 through January 31, 1997 beginning at 9 a.m. each day in the Administrative Hearing Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Interested persons are reminded of the need to serve all parties with any document which is filed with the Administrative Hearings Office. Copies of pertinent docket material relating to the referenced cases may be obtained from Karen De Como, Clerk at the above address, telephone (717) 783-2126.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2035. Filed for public inspection November 29, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Borough of Addison; Doc. No. A-0010330, A-0010819

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

Public meeting held
November 14, 1996

Tentative Order

By letter dated October 3, 1996, the Addison Area Water Authority informed the Commission that it was incorporated on March 7, 1986 and that it thereafter assumed the PUC-certificated operations of the Borough of Addison, certificated to public service under the application docket numbers of A-0010330 and A-0010819.

To the best of this Commission's knowledge, all jurisdictional service has been abandoned by the Borough. Consequently, absent any contrary responses from concerned parties, this Commission will cancel the certificates issued to Addison. *Therefore,*

It Is Ordered That:

1. The certificates of public convenience issued to the Borough of Addison will be deemed abandoned if no response objecting to such action is received by this Commission within 20 days of the publication date of this order in the *Pennsylvania Bulletin*.

2. A copy of this order shall be served upon the Borough of Addison at its last known address and on the Addison Area Water Authority, Sharon Mason, Secretary, Box 13, Addison, PA 15411.

3. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. If no objection to this order is filed with the Commission within 20 days of the publication date in the *Pennsylvania Bulletin*, this order shall become final, and the Office of Prothonotary of the Commission is hereby directed to cancel the certificates of public convenience of Addison Borough.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2036. Filed for public inspection November 29, 1996, 9:00 a.m.]

Application of Cashtown Water Company; Doc. Number A-210380

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

Public meeting held
November 14, 1996

Tentative Order

The Commission has received information that Cashtown Water Company (Cashtown), a certified water utility, has abandoned service. In 1914 Cashtown had a certificate of public convenience from the Public Service

Commission, predecessor to this Commission, to provide water distribution service to the public in Cashtown, Franklin Township, Adams County. As a grandfathered public utility, Cashtown was assigned a utility code number of 210380 by the Commission but never an "A-docket" number normally assigned to utilities holding certificates of public convenience.

The Commission was notified of the abandonment in 1976, but apparently through an oversight, the abandonment was never formally approved by the Commission or the certificate of public convenience cancelled. Subsequently by letter dated June 27, 1995, the Franklin Township Board of Supervisors informed the Commission that Cashtown was purchased on July 23, 1976, by the Franklin Township Board of Supervisors, which in turn leased the company to the Franklin Township Water Authority on August 6, 1976.

To the best of this Commission's knowledge, all jurisdictional service by Cashtown Water Company has been abandoned. Consequently, absent any contrary responses from concerned parties, this Commission will cancel the certificate issued to Cashtown; *Therefore,*

It Is Ordered That:

1. The certificate of public convenience issued to Cashtown Water Company will be deemed abandoned if no response objecting to this action is received by this Commission within 20 days of the publication date of this order in the *Pennsylvania Bulletin*.

2. A copy of this order shall be served upon Cashtown Water Company at its last known address and on the Franklin Township Board of Supervisors, Franklin Township, Adams County, P. O. Box 309, Cashtown, PA 17310-0309.

3. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. If no objection to this order is filed with the Commission within 20 days of the publication date in the *Pennsylvania Bulletin*, this order shall become final, and the Office of the Prothonotary of the Commission is hereby directed to cancel the certificate of public convenience of Cashtown Water Company.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2037. Filed for public inspection November 29, 1996, 9:00 a.m.]

Application of Greenfield Springs, Inc.; Doc. No. A-00104430

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

Public meeting held
November 14, 1996

Tentative Order

By letter dated June 26, 1995, the Greenfield Township Municipal Authority informed the Commission that Greenfield Springs, Inc. (Greenfield), a certificated water utility, is no longer offering service as a separate entity under the Commission's jurisdiction. On November 22, 1983, Greenfield was granted a certificate of public convenience to provide water service to the public of

Greenfield Township, Blair County. In its letter, the Authority indicated the Greenfield system ceased to operate as a separate utility when the Greenfield Township Municipal Authority was formed in 1991 by constructing a connection among the Ward Industrial Park, Sproul Water Association, and Altoona Enterprises.

To the best of this Commission's knowledge, all jurisdictional service has been abandoned and is now being provided by the non-jurisdictional Greenfield Township Municipal Authority. Consequently, absent any contrary responses from concerned parties, this Commission will cancel the certificate issued to Greenfield. *Therefore,*

It Is Ordered That:

1. The certificate of public convenience issued to Greenfield Springs, Inc. at Docket No. A-00104430 will be deemed abandoned if no response objecting to such action is received by this Commission within 20 days of the publication date of this order in the *Pennsylvania Bulletin*.

2. A copy of this order shall be served upon Greenfield Springs, Inc., at its last known address, R. D. 1, Claysburg, PA 16625.

3. A copy of this order shall be served upon the Greenfield Township Municipal Authority, David M. Pozgar, Manager, Greenfield Township, Blair County, R. D. 1, Box 948, Claysburg, PA 16625.

4. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. If no objection to this order is filed within 20 days of the publication date in the *Pennsylvania Bulletin*, this order shall become final, and the Office of the Prothonotary of the Commission will then cancel the certificate of public convenience of Greenfield Springs, Inc. at Application Docket No. A-00104430.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2038. Filed for public inspection November 29, 1996, 9:00 a.m.]

Application of Winburne Water Company; Doc. No. A-00100590

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

Public meeting held
November 14, 1996

Tentative Order

The Commission has received information that Winburne Water Company (Winburne), a jurisdictional water utility, has abandoned service. On November 22, 1997, Winburne was granted a certificate of convenience to provide water distribution service to the public of portions of Clearfield and Centre Counties. According to information available to the Commission, on or about July 1, 1980, the Winburne Water Company was purchased by the Cooper Township Municipal Authority, which is currently operating the Winburne system.

To the best of this Commission's knowledge, all jurisdictional service has been abandoned. Consequently, absent

any contrary responses from concerned parties, the Commission will cancel the certificate issued to Winburne. *Therefore,*

It Is Ordered That:

1. The certificate of public convenience issued to Winburne Water Company at Application Docket A-00100590 will be deemed abandoned if no response objecting to this action is received by this Commission within 20 days of the publication date of this order.

2. A copy of this order shall be served upon Winburne Water Company at its last known address, P. O. Box 146, Winburne, PA 16879 and upon counsel for the Cooper Township Municipal Authority, Thomas C. Murcko, Esq., Kirkpatrick, Lockhart, Johnson & Hutchinson, 1500 Oliver Building, Pittsburgh, PA 15222.

3. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. If no objection to this order is filed within 20 days of the publication date in the *Pennsylvania Bulletin*, this order shall become final, and the Office of the Prothonotary of the Commission will then cancel the certificate of the Winburne Water Company at Application Docket No. A-00100590.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2039. Filed for public inspection November 29, 1996, 9:00 a.m.]

Rescheduled Hearing

C-00967677. Bureau of Transportation and Safety v. CSX Transportation, Incorporated. The Commission hereby gives notice that the following hearing which has been previously noticed in the *Pennsylvania Bulletin* has been rescheduled as indicated below:

Docket No. C-00967677

Published: 26 Pa.B. 5332 (November 2, 1996)

Rescheduled to: Tuesday, January 28, 1997, at 10 a.m.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2040. Filed for public inspection November 29, 1996, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 30, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for 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-00113533. Fayette County Community Action Agency, Inc. (137 North Beeson Avenue, Uniontown, Fayette County, PA 15401), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in Fayette County to points in the counties of Allegheny, Greene, Washington and Westmoreland and return. *Attorney:* Ernest T. DeHaas, 99 East Main Street, Uniontown, PA 15401.

A-00113540. William E. Dickey (R. D. 4, Box 111D, Latrobe, Westmoreland County, PA 15650)—persons in paratransit service, between points in the counties of Armstrong, Cambria, Clarion, Clearfield, Indiana, Jefferson and Somerset, and from points in the said counties to points in Pennsylvania and return, provided that service may be operated only in vehicles with seating capacities of 33 passengers or less, excluding the driver. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.

A-00106393, Folder 2. A. J. Meyers & Sons, Inc. (R. D. 1, Route 422 East, Kittanning, Armstrong County, PA 16201), a corporation of the Commonwealth of Pennsylvania—additional right—persons in scheduled route service, between the borough of Zelienople, Butler County, and the city of Pittsburgh, Allegheny County, over the following route: beginning at the intersection of Spring and Main Streets (U. S. Highway Route 19), in the borough of Zelienople, thence south via U. S. Highway Route 19, to its intersection with Freedom Road, thence via Freedom Road to its intersection with Haines School Road, thence via Haines School Road to its intersection with Rochester Road, thence via Rochester Road to its intersection with U. S. Highway Route 19, thence via U. S. Highway Route 19 to its intersection with Interstate Highway Route 79, thence via Interstate Highway Route 79 to its intersection with Pennsylvania Highway Route 65, thence via Pennsylvania Highway Route 65, to the city of Pittsburgh, Allegheny County, thence via various city streets to Three Rivers Stadium, thence from Three Rivers Stadium returning over the same routes to the place of beginning; subject to the following condition: that no right, power or privilege is granted to transport persons between points in the county of Allegheny; which is to be a transfer of the scheduled route right held by Waycax Transit Lines, Inc., under the certificate issued at A-00100504, F. 3, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00101537, Folder 1, Am-A. Robert W. Hafenstiner, Jr., t/d/b/a Rupp Auto Livery (303 32nd Street, Erie, Erie County, PA 16504), inter alia—to transport persons in limousine service, between points in the counties of Erie and Crawford, and from points in said

counties, to points in Pennsylvania and return: *which is to be in lieu of* all of his common carrier authority at A-00101537, Folder 1 which reads as follows: (1) to transport, as a common carrier by motor vehicle, persons attending funerals upon call or demand in the city and county of Erie; (2) to transport, as a common carrier, persons upon request in limousine luxury-type vehicles, between points in the city of Erie, and the townships of Millcreek and Lawrence Park, Erie County; With Right No. 2 above subject to the following conditions: (a) all service shall be limited to that arranged and requested by industrial or business establishments for visitors or employees; (b) that vehicles used shall have a seating capacity not to exceed nine persons; (c) the minimum use of said vehicles shall not be less than 3 hours, and (d) no right, power or privilege is granted to render scheduled limousine (airport transfer) service between Erie International Airport and points in the area herein authorized, and (3) to transport, as a common carrier, persons upon request in limousine luxury-type vehicles, for weddings, between points in the county of Erie; subject to the following conditions: (a) the vehicles used shall have a seating capacity not to exceed nine persons, and (b) the minimum use of said vehicle shall not be less than 3 hours.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113539. White Transit School Buses, Inc. (P. O. Box 1007, 239 Old River Road, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, (1) from the cities of Wilkes-Barre, Pittston, Nanticoke, the boroughs of Plymouth, Kingston, Edwardsville, Larksville, Warrior Run, Dorrencton, Ashley, Courtdale, Forty Fort, Wyoming, West Wyoming, Parsons, Exeter, Luzerne, Sugar Notch, Swoyersville, Miners Mills, and the townships of Newport, Hanover, Plains, Hunlock and Plymouth, Luzerne County, to points in Pennsylvania; (2) from the borough of Laflin, West Pittston, Dupont, Avoca, Hughestown and Duryea, and the townships of Jenkins and Pittston, Luzerne County, to points in Pennsylvania beyond 25 miles by the usually traveled highways of the point of origin; which is to be a transfer of part of the rights authorized under the certificate issued at A-00089839, F. 2 to Price Bus Company, Inc., subject to the same limitations and conditions. *Attorney:* Scott A. Gould, P. O. Box 1166, Harrisburg, PA 17108.

**Notice of Motor Carrier applications—
Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before December 16, 1996.

A-00112741, F. 2 James M. Yurko, t/d/b/a Doc's Equipment Transport
P. O. Box 1579, Cranberry Township, PA 16066

A-00113534 Keystone Minerals, Inc.
216C Forest View Heights, Ridgway, PA 15853

- A-00113535 Retail Delivery Service, Inc., t/d/b/a
RDS Delivery Service
P. O. Box 14749, 1029 West 7th
Street, Cincinnati, OH 45203; David
Bence, P. O. Box 5715, Cincinnati,
OH 45201-5712
- A-00113536 Motor Freight Express, Inc.
2215 East Westmoreland Street,
Philadelphia, PA 19134; James W.
Patterson, Esquire, One Liberty
Place, 32nd Floor, 1650 Market
Street, Philadelphia, PA 19103-1536
- A-00113537 Paul A. Balchun, t/d/b/a
Balchun Excavating & Trucking
P. O. Box 1223, 1151 Main Street,
Pittston, PA 18640
- A-00113551 R & J Hoover, Inc.
1206 Claremont Road, Carlisle, PA
17013
- A-00113554 Kermit D. Dennis, t/d/b/a
K. Dennis Trucking
25174 Saegertown Street,
Saegertown, PA 16433
- A-00113549 Mercury Trucking, Inc.
One Energy Place, Suite 3000,
Latrobe, PA 15650
- A-00113550 Max S. Mohny, t/d/b/a
Mohny's Towing
1224 Wayne Avenue, Indiana, PA
15701
- A-00100922, F. 4 Selover Transportation, Inc., t/d/b/a
A.E.F. Selover
P. O. Box 33, 393 Old Bridge Turn-
pike, South River, NJ 08882
- A-00113541 Cutler Dairy Products, t/d/b/a
Cutler Egg Products, Inc.
612 West Sedgley Avenue, Philadel-
phia, PA 19140-5599
- A-00113542 Gary L. Brown Trucking, Inc.
P. O. Box 254, Waterford, PA 16441
- A-00113544 Roger G. Phillips, t/d/b/a
G & R Enterprise
544 Old Wilmington Road,
Coatesville, PA 19320
- A-00113552 Donald R. Carney, t/d/b/a
Brothers Auto Transport
P. O. Box 462, Reeders, PA 18352-
0462

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2041. Filed for public inspection November 29, 1996, 9:00 a.m.]

**Water Service
Without Hearing**

A-210910. Woodloch Pines, Inc. and Fawn Lake Forest Water Company. Application of Woodloch Pines, Inc., and Fawn Lake Forest Water Company for approval of: 1) Fawn Lake Forest Water Company's right to begin to offer, render, furnish or supply water service to the public in an additional portion of the Township of

Lackawaxen, Pike County, including that now served by Woodloch Pines, Inc., 2) Fawn Lake Forest Water Company's right to begin to offer, render, furnish or supply sewage service to the public in a portion of the Township of Lackawaxen, Pike County, including that now served by Woodloch Pines, Inc., 3) the sale of certain of Woodloch Pines, Inc., facilities and the acquisition thereof by Fawn Lake Forest Water Company, 4) Fawn Lake Forest Water Company's right to record said acquisition and 5) exemption from customer metering.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 16, 1996, under 52 Pa. Code (relating to public utilities).

Attorneys for Applicant:

D. Mark Thomas, Esquire,
Patricia Armstrong, Esquire,
Thomas, Thomas, Armstrong, and Niesen,
Fawn Lake Forest Water Company,
212 Locust Street,
P. O. Box 9500,
Harrisburg, PA 17108-9500;

Joseph Kameen, Esquire,
Woodloch Pines, Inc.
315 West Hartford Street,
P. O. Box 486,
Milford, PA 18337.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2042. Filed for public inspection November 29, 1996, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Condensed Balance Sheet and Condensed State- ment of Operations and Accumulated Deficit

Condensed Balance Sheet (Unaudited) (\$000)

<i>Assets</i>	
Current assets	\$ 4,713
Restricted assets	5,741
Fixed assets (net)	83,897
Other assets	1,458
Total assets	<u>\$95,809</u>
<i>Liabilities and Fund Equity</i>	
Current liabilities	\$ 4,560
Long-term liabilities	61,170
Total liabilities	<u>65,730</u>
Contributed capital	41,332
Accumulated deficit	(11,253)
Total fund equity	<u>30,079</u>
Total liabilities and fund equity	<u>\$95,809</u>

**Condensed Statement of Operations and
Accumulated Deficit
Year ended June 30, 1996
(Unaudited)
(\$000)**

Operating revenues and grants	\$12,825
Operating expenses	(7,930)
Depreciation and amortization	(6,400)
Net interest income/(expense)	<u>(3,212)</u>
Net loss before change in accounting principle	(4,717)
Cumulative effect of change in accounting principle	<u>5,911</u>
Net Income	1,194
Add depreciation that reduces contributed capital	<u>3,122</u>
Decrease in Accumulated Deficit	4,316
Accumulated deficit	
Beginning of year	\$15,569
End of year	<u>\$(11,253)</u>

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 96-2043. Filed for public inspection November 29, 1996, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

January 8, 1997	Kirk Junker (Service Purchase)	1 p.m.
January 22, 1997	Joseph Greenfield (State Service)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 96-2044. Filed for public inspection November 29, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for: Toll Booth Door Retrofits; Mandatory Pre-Bid Inspection: December 19, 1996 at 10 a.m., assembling at the South Toll 60, M. P. B27.5, Beaver Valley Expressway. Open Date: December 30, 1996 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2045. Filed for public inspection November 29, 1996, 9:00 a.m.]

Request for Bids

The Turnpike Commission is requesting a sealed bid for: 32 Intermediate Four-Door Sedans. Open Date: December 12, 1996 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2046. Filed for public inspection November 29, 1996, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 94-004-FT08. Structural demolition and/or removal for the Mon/Fayette Expressway in Fayette County, PA.

Bid Opening Date: December 19, 1996, 11 a.m.

Bid Surety: 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

A mandatory prebid site review of the project will be made on December 5, 1996. The inspection party will meet

at Haydowntown Fire Hall, south of Fairchance, PA, just west of Route 857, at 10 a.m., and will proceed to each site under the direction of authorized Commission personnel.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2047. Filed for public inspection November 29, 1996, 9:00 a.m.]

Request for Qualifications for Financial Advisor

The Turnpike Commission is seeking responses to its Request for Qualifications from firms interested in serv-

ing as a Financial Advisor to the Commission on various matters including, but not limited to, cash management, investments, bond issues, banking services and financial analyses.

The Request for Qualifications may be obtained from the Finance and Administration Office, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, telephone (717) 939-9551, Extension 2430.

Responses are due by 2 p.m. on Friday, December 20, 1996.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2048. Filed for public inspection November 29, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1472236 Clothing and individual equipment—874 each; trousers; winter uniform—mens and womens.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA 17110-9797
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1399116 Containers, household, commercial, packaging and packing—176,000 each; containers, spiral cans.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7313650 Containers, household, commercial, packaging and packing—18,000 case; bag, polyethylene, style: t-shirt, color: dark brown—PMS412C, size: 11 1/2" wide x 7" deep x 23" long, 1000/case.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA 17124-0001
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1450186 Envelopes/various sizes—200M; Tyvek expansion envelopes (2 pack)—size 4 1/2" x 10 1/2" h x 4" d.

Department: Revenue
Location: Middletown, Dauphin County, PA 17057
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1448126 Envelopes/various sizes—200M; UC 640/640A. 2 part monthly notice of compensation charged/employee. Report on conflict between wages and benefits.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA 17121
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1449126 Envelopes/various sizes—500M; UC 640/640A Easy mailer. Monthly notice of compensation charged/employees report on conflict between wages and benefits.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA 17121
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1463126 Envelopes/various sizes—DD-314G envelopes—Kraft envelope with window and return address.

Department: Bureau of Disability Determination
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1328306 Furnace, steam plant and drying equipment—1 each; furnish, install a new furnace and associated equipment and removal of an existing furnace.

Department: Historical and Museum Commission
Location: Harrisburg, Dauphin County, PA 17108-1026
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1461116 Household and commercial furnishings and appliances—1 lot CIP; furnish and install Polytex Vinyl 3500 double hung, replacement windows.

Department: Corrections
Location: Cresson, Cambria County, PA 16630-0001
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1444116 Household and commercial furnishings and appliances—3,200 each; stainless steel seats, 12 inches round diameter, 16 gauge.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA 15233
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1442116 Household and commercial furnishings and appliances—various amounts and sizes; acoustical panels: Eckel Type II correctional panel or equal.

Department: Corrections
Location: Bellefonte, Centre County, PA 16823
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1388126 Medical, dental and veterinary equipment and supplies—1 each; Stim master ergometer clinical, Model E9560C or an approved equal—20 each; carbon reusable electrodes (4/pkg.) for above unit.

Department: Labor and Industry
Location: Hiram G. Andrews Center, Johnstown, Cambria County, PA 15905-3092
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1438116 Metal bars, sheets and shapes—400 each; stainless steel sheets: size 36" x 96" x 11 ga. type 304, 2b finish—10 each; stainless steel sheets mirror finish: size 48" x 96" x 16 ga. type 304 with no. 8 mirror finish.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA 15233
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1439116 Metal bars, sheets and shapes—various amounts; cold roll steel, different sizes.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA 15233
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1317216 Motor vehicles—1 each; 1997 model 15 passenger van wagon.

Department: Public Welfare
Location: Western Center, Canonsburg, Washington County, PA 15317-2213
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

- 1392216** Motor vehicles—1 each; 1997 model 8 passenger van wagon.
Department: Public Welfare
Location: Haverford State Hospital, Haverford, Montgomery and Delaware Counties, PA 19041
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 8205630** Paper and printing—1400M; 1997/98 Official Transportation Map (1,400,000).
Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 8175840** Safety equipment and supplies—125 each; automatic traffic recorders and accessory equipment.
Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 1473236** Shoe materials and leather and skins—323 pair; summer field boot: Rocky brand Stock No. 8036 "Eliminator."
Department: Game Commission
Location: Harrisburg, Dauphin County, PA 17110-9797
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 1417216** Trucks and construction vehicles—1 each; 1997 model van body truck.
Department: Public Welfare
Location: Embreeville Center, Hamburg, Berks County, PA 19526
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

- 7313680** Trucks and construction vehicles—various amounts; truck, forklift, electric, rider, three wheel, 3,000 lb. capacity w/appropriate accessories.
Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA 17124-0001
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 1403226** Trucks and construction vehicles—1 each; 1997 model 1/2 ton 4x4 pickup truck—1 each; 1997 model 1/2 ton 4x4 pickup truck—1 each; 1997 model HD 4x4 pickup truck—1 each; 1997 model HD 4x4 pickup truck.
Department: General Services
Location: Harrisburg, Dauphin County, PA 17105
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 1407216** Trucks and construction vehicles—1 each; 1997 model compact cutaway van body truck.
Department: Public Welfare
Location: Danville, Montour County, PA 17821-0700
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 1384216** Trucks and construction vehicles—1 each; 1997 model HD 4x4 pickup truck.
Department: Public Welfare
Location: Haverford State Hospital, Haverford, Montgomery and Delaware Counties, PA 19041
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705
- 8503520** Water fountains—450 each; portable drinking fountain shall be Artic Boy, Model 605W and 3160 cup dispenser.
Department: Transportation
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Agricultural Services—02

- PGC-2532** The equivalent of Game Bird (pheasant) Breeder (70 tons) pellet size 5/32. Quantity of feed is an estimate, actual amount may be greater or less than the amount indicated. Bulk delivery—pneumatic blower unloading. Delivery as requested in 8—24 ton lots as requested. Bids will be opened at 11:00 a.m., December 18, 1996, at the Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.
Department: Game Commission
Location: Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA 17754
Duration: January 6, 1997 to May 31, 1997
Contact: C. Clair Souter, (717) 435-2043
- PGC-2533** The equivalent of Game Bird (pheasant) Breeder (40 tons) pellet size 5/32. Bulk delivery—pneumatic blower unloading. Delivery in 8—24 ton lots as requested. Quantity of feed is an estimate, actual amount may be greater or less than the amount indicated. Bids will be opened at 11:00 a.m., December 19, 1996, at the Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.
Department: Game Commission
Location: Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242
Duration: January 15, 1997 to May 1, 1997
Contact: Robert Hodge, (814) 275-2509
- PGC-2534** The equivalent of Game Bird (pheasant) Breeder (86 tons) pellet size 5/32. Bulk delivery—pneumatic blower unloading. Delivery in 8—24 ton lots as requested. Quantity of feed is an estimate, actual amount may be greater or less than the amount indicated. Bids will be opened at 11:00 a.m., December 20, 1996, at the Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.
Department: Game Commission
Location: Western Game Farm, R. D. 1, Cambridge Springs, PA 16403
Duration: February 1, 1997 to May 15, 1997
Contact: Larry Mears, (814) 398-2271

- 295052** Plant trees on forested sites throughout the Sproul State Forest. These plantings will take place in both Clinton and Centre Counties. The planting will be done on approximately 375 acres involving approximately 40,000 trees.
Department: Conservation and Natural Resources
Location: Sproul State Forest in Clinton and Centre Counties
Duration: 06/30/97
Contact: Jeff Prowant, (717) 923-6011
- 295053** Apply herbicide to woody and herbaceous vegetation on forested sites within the Sproul State Forest. Applicator must comply with the provisions of the Pennsylvania Pesticide Applicators Act.
Department: Conservation and Natural Resources
Location: Sproul State Forest in Clinton and Centre Counties
Duration: 09/30/97
Contact: Jeff Prowant, (717) 923-6011
- FPM 97-01** Forest Insect Pests Suppression Project aerial spraying on State Parks and residential areas. 97-01 consists of approximately 1,300 acres in Greene, Washington, Lackawanna and Wyoming Counties. 97-01 requires spraying with a helicopter.
Department: Conservation and Natural Resources
Location: Greene, Washington, Lackawanna and Wyoming Counties, PA
Duration: May 1, 1997 through June 30, 1997
Contact: Larry Rhoads, (717) 948-3941

Audio/Video—04

- No. 8159** Combined contract for preventative maintenance and emergency service to be performed for the two-way radio system for both the Ebensburg Center, Ebensburg, PA and the Altoona Center, Altoona, PA. Complete bid specifications can be obtained from the Purchasing Office at the Ebensburg Center.
Department: Public Welfare
Location: Ebensburg Center and Altoona Center. Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931; Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA 16601
Duration: July 1, 1997 through June 30, 2000
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

Computer Related Services—08

Project No. 96-17 "Safety Administration Strategic Systems Plan." The objective of this project is to produce a strategic plan that can be used by PennDOT's Safety Administration to position automated data processing systems to continually (1) create a user-friendly, customer-driven PennDOT with special emphasis on driver and vehicle services, and (2) identify and implement technological improvements that support PennDOT's and the Commonwealth's strategic direction. Fax requests for detailed requirements and an RFP to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, 555 Walnut Street, Forum Place, Harrisburg, PA 17120
Duration: Indeterminate 1996-97
Contact: Tina Chubb, (717) 787-7001

P000326 Provide technical consulting services, in the form of on-site training and assistance, to provide advice and expertise in streamlining methods to develop coverage's and enhance existing procedures and macros for the Bureau's GIS Program used in development and managing of the 116 State Parks Resource Management Plans and Rails to Trails Program.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, 400 Market Street, Harrisburg, PA
Duration: Through December 31, 1997 with renewable options
Contact: Keith Taylor, (717) 787-6674

91-01-200 The Pennsylvania Health Care Cost Containment Council is soliciting bids from qualified vendors for the purpose of satisfying a Data Warehousing Solution. Interested parties are requested to contact the Council Office by writing the Pennsylvania Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101; or by calling (717) 232-6787 for copies of the Request for Proposal. Bids are due to the Council no later than 5:00 p.m. on 12/30/96.

Department: Health Care Cost Containment Council
Location: 225 Market Street, Suite 400, Harrisburg, PA 17101
Duration: 3 years
Contact: Peter Freeman, (717) 232-6787

Construction and Construction Maintenance—09

Contract No. DGS 412-45 Revised Rebid Project title: Renovation of Steam Distribution System. Brief description: structural renovations and replacement of concrete steam manholes. Install new concrete manholes. Concrete work consists of formwork, cast-in-place and precast concrete and repair of existing concrete. Sitework consists of subsurface exploration, shoring, excavation, etc. General construction. Plans deposit: \$100.00 per set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2316. Telephone (717) 763-7211. Bid date: Wednesday, December 18, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Tuesday, November 26, 1996 at 10:00 a.m. in the Chapel of the Old Main Building, Second Floor, Shippensburg University, Shippensburg, PA. Contact person: Terrence Durbin, telephone (717) 532-1451. All bulletins issued prior to November 15, 1996 are hereby canceled. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Shippensburg University of PA, Shippensburg, Cumberland County, PA
Duration: Proposed date of completion, September 19, 1997
Contact: Contract Bidding Unit, (717) 787-6556

1000-058 Clarion County, SR 66(002); Clarion County, SR 66(003).

Department: Transportation
Location: District 10-0
Duration: FY 1996/1997
Contact: Donald R. McNeal, (412) 357-2852

1000-059 Clarion County, SR 68(004).

Department: Transportation
Location: District 10-0
Duration: FY 1996/1997
Contact: Donald R. McNeal, (412) 357-2852

080932 Erie County, SR 90 (A05); Centre County, SR 26 (N07/106); Clinton County, SR 1016 (A03) 3028 (001); District Wide, Group 3-97-GR4; Columbia County, TWP RD 413/CO BR 44; Lycoming County, SR 405 (61S); Montour County, SR 3003 (009); Northumberland County, SR 225 (31M); Northumberland County, SR 405 (057); Lackawanna County, Group 4-97-ST2; Luzerne County, SR 11 (310); Lehigh County, N. Irving St.; Bucks County, Group No. 6-96-EC4; Philadelphia County, Group 6-96-IMP; Adams County, SR 30 (008); Cumberland County, SR 11 (016); York County, SR 94 (007/001); Dauphin County, SR 230 (003).

Department: Transportation
Location: Districts 1-0, 2-0, 3-0, 4-0, 5-0, 6-0, 8-0
Duration: FY 1996
Contact: V. C. Shah, (717) 787-5914

080933 Dauphin County, SR 322 (003); Dauphin County, SR 322 (009)/2003 (003); Perry County, SR 22 (004)/34 (011); Bedford County, SR 2002 (002); Cambria County, SWP RD 665/CO BR No. 8; Cambria County, SR 0271 Sec. 006; Indiana County, SR 1054 (450); Allegheny County, SR 3160 (A05); Beaver County, SR 51 (B14); Washington County, SR 18 (19R).

Department: Transportation
Location: Districts 8-0, 9-0, 10-0, 11-0, 12-0
Duration: FY 1996
Contact: V. C. Shah, (717) 787-5914

080934 Somerset County, SR 6219 (B08); Lycoming County, SR 973 (004); Snyder County, SR 522 (002); Blair County, Railroad Memorial Museum; Mercer County, SR 846 (B01); Chester County, SR 8027 (05L); Chester County, Group 4-97-4MC; York County, SR 177 (001); Dauphin County, Sycamore Street Signals; Cambria County, T-407-BR Repl.; Indiana County, IUP Bikeway Ext.; District Wide 11-0, Group 110-96-7614-1. Allegheny County, SR 19 (A17) and 3069 (A09); Westmoreland County, SR 3003 (A00).

Department: Transportation
Location: Districts 1-0, 3-0, 6-0, 8-0, 9-0, 10-0, 11-0, 12-0
Duration: FY 1996
Contact: V. C. Shah, (717) 787-5914

Contract No. DGS 948-41EC2.6 Project title: Removal and Disposal of asbestos and hazardous materials and the abatement of PCB contamination from the basement and sub-basement. Asbestos abatement. Plans deposit: \$75.00 for one (1) set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Additional sets may be purchased for \$75.00 per set. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2325, (717) 763-7211. Bid date: Monday, December 16, 1996 at 2:00 p.m. Contractor or subcontractor personnel must have current PA Department of Labor and Industry asbestos worker licenses, forty (40) hour Hazwoper Certifications. A mandatory pre-bid conference and walk-through has been scheduled for Monday, December 2, 1996 at 4:00 p.m. in Room G-100 Transportation and Safety Building, Harrisburg, PA. Walk-through immediately following the pre-bid. Contact person Thomas S. Brown, telephone (717) 763-7211, ext. 2255. All contractors who have secured contract documents are mandated and urged to attend this pre-bid conference and walk-through.

Department: General Services
Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS 948-41EC3.6 Project title: Removal and Disposal of asbestos and hazardous materials and the abatement of PCB contamination in levels eight (8) through twelve (12) and the penthouse. Asbestos abatement. Plans deposit: \$75.00 for one (1) set. Payable to: Gannett Fleming, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Additional sets may be purchased for \$75.00 per set. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011-2325, (717) 763-7211. Bid date: Monday, December 23, 1996 at 2:00 p.m. Contractor or subcontractor personnel must have current PA Department of Labor and Industry asbestos worker licenses, forty (40) hour Hazwoper Certifications. A mandatory pre-bid conference and walk-through has been scheduled for Monday, December 9, 1996 at 4:00 p.m. in Room G-100 Transportation and Safety Building, Harrisburg, PA. Walk-through immediately following the pre-bid. Contact person Thomas S. Brown, telephone (717) 763-7211, ext. 2255. All contractors who have secured contract documents are mandated and urged to attend this pre-bid conference and walk-through.

Department: General Services
Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS 940-5 Phase 3, Part A Project title: Renovation of Tent Building. Brief description: remove forty-eight (48) existing water source heat pumps and furnish and install (50) new water source heat pumps, complete with new controls, control wiring and conduit, new time control center, ductwork and piping revisions. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, December 18, 1996 at 2:00 p.m.

Department: General Services
Location: DGS Public Works Complex, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS A 963-11 Revised Rebid Project title: Roof Replacement. Brief description: remove existing shingle roofing down to existing deck and north and south clerestory windows, window sills, fascia and flashing at window sills as required. Install new underlayment, wood decking, framing and shingle roofing, gutters, downspouts, soffits, fascia, flashing, windows, window sills, fascia and flashing at window sills as required. Repoint and waterproof brick areas as indicated. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, December 18, 1996 at 2:00 p.m.

Department: General Services
Location: Scranton National Guard Armory, Scranton, Lackawanna County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. DGS 948-39 Phase I Project title: Roof Replacement. Brief description: Remove existing gravel, built-up roof, insulation and flashings. Install all new tapered insulation, membrane roofing and flashings. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, December 18, 1996 at 2:00 p.m.

Department: General Services
Location: Labor and Industry Building, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Drafting and Design Services—12

K-97057; K-97059 Edinboro University of the State System of Higher Education will select a firm for the purpose of providing professional design services for renovation of Rose Hall (K-97057) and Heather Hall (K-97059). Interested professionals should obtain a Request for Proposal (RFP) from Tom Anderson, Purchasing Office, 237 McNerney Hall, Edinboro University of PA, Edinboro, PA 16444; telephone: (814) 732-2704. Short listed firms will be given an opportunity for a site tour. RFPs are due on January 3, 1997 by 4:00 p.m. Only firms located within a 150 mile radius of EUP may submit proposals. The System encourages responses from small firms, minority firms, women-owned firms, and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in the System professional services contracts. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, Edinboro, PA
Duration: Design complete within 270 days of approval of agreement
Contact: Thomas Anderson, Contract Specialist, (814) 732-2704

Elevator Maintenance—13

5101 Contractor to provide all necessary labor, material, equipment, parts, etc., required to service various types of elevator equipment.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Engineering Services and Consultation—14

08430AG2033 Open-end contract for various environmental studies and engineering services on various projects in Armstrong, Butler, Clarion, Indiana and Jefferson Counties, all in Engineering District 10-0.

Department: Transportation
Location: District 10-0
Duration: Thirty (30) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

5099 Contractor to furnish various water testings on sewage treatment water, drinking water and swimming pool water in accordance with standards/regulations of the Federal Safe Drinking Water Act, DEP and PA Department of Health.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2000
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

BOGM 95-6R Clean out and plug one Abandoned Oil and Gas Well on the Yoder property. Estimated to be 6500 feet deep.

Department: Environmental Protection
Location: Rome Township, Bradford County, PA
Duration: 45 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Food—19

I-144 Ice cream, sherbet products; frozen yogurt—delivery only at request of facility. Quantities may be obtained from facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, Cambria County, PA 15905
Duration: January 1 through June 30, 1997
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

96-049 400 dozen Danish, unwrapped (assorted flavors); 400 dozen coffee cake, crumb topping; 96 dozen buns, sticky, with nuts; 25 Cs. chocolate sheet cake with white icing; 25 Cs. chocolate sheet cake with chocolate icing; 25 Cs. gold sheet cake with chocolate icing; 25 Cs. brownies, chocolate with chocolate icing; 96 dozen doughnuts (powdered sugar, cinnamon and raised-glazed); 96 dozen muffins (blueberry); 1700 ea. pretzels, soft, 4" round; 2340 ea. pound cake, sliced, 3 oz. (plain or marble); 1690 ea. Vend-A-Pies, 4" (apple, blueberry, cherry and peach); 90 ea. carrot cake (round); and 140 dozen bagels (cinnamon and raisin).

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: January, 1997 through June, 1997
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

D-8094 The contractor shall provide ice cream and ice cream products for the inmates of State Correctional Institution Waynesburg on a weekly basis.

Department: Corrections
Location: State Correctional Institution Waynesburg, R. D. 1, Box 67, Waynesburg, PA 15370
Duration: 3/1/97 through 2/28/98
Contact: Judith Cook, Purchasing Agent, (412) 627-6185, ext. 4009

0882-2727 Frozen fruits, vegetables, portion control juices, biscuits, waffles, pancakes, and French toast: different amounts to be delivered weekly throughout the months of January, February, and March 1997. Additional information/specifications may be obtained by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: January 2 through March 29, 1997
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

0882-2728 Frozen purees: desserts, vegetables, and meats—3 separate awards. Desserts, 3 oz. serving, 4/4 lb. pans/case, Ref: Cliffdale Farms—No. 1—apple cinnamon—24 cs.; No. 2—vanilla custard—4 cs.; No. 3—banana custard—12 cs.; No. 4—orange custard—10 cs.; No. 5—peach custard—14 cs. Vegetables, 6/3 lb. cartons/case, Ref: National Frozen Foods—No. 1—green beans—43 cs.; No. 2—carrots—34 cs.; No. 3—peas—23 cs.; No. 4—broccoli—27 cs.; No. 5—corn—21 cs. Meats, meat patty, 3 oz. portion, 48/case, 9 lb./case, Ref: Thick & Easy, American Institutional Products—No. 1—chicken—41 cs.; No. 2—ham—14 cs.; No. 3—roast pork—16 cs.; No. 4—turkey—20 cs.; No. 5—roast beef—34 cs.; No. 6—fish fillet—26 cs. Various amounts to be delivered bi-weekly for months of January, February and March 1997.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: January 2 through March 29, 1997
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

Fuel Related Services—20

Inquiry No. 7397 Vendor shall load, transport, convert, and deliver coal from Fort Indiantown Gap to Danville and Wernersville State Hospitals.

Department: Public Welfare
Location: Power Plant, Danville State Hospital, Danville, PA 17821-0700
Duration: 2/3/97—6/30/97
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Hazardous Material Services—21

5105 Contractor to furnish services for removal and disposal of incinerator ash as a result of the incineration of infectious waste in accordance with DEP standards. Contractor shall be responsible for meeting the standards of DEP in the final disposal and presentation of appropriate manifests.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Heating, Ventilation, Air Conditioning—22

4726 Repair of the institution "Trane Chillers" used in the air supply throughout the State Correctional Institution Greene. The contractor shall provide technical repair, maintenance and inspection for the chillers.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: July 1, 1997—June 30, 1999
Contact: C. A. Teegarden, Purchasing Agent, (412) 852-5515

5100 Contractor shall provide all necessary labor, material, equipment, parts, etc., to service/repair various refrigeration equipment at the Torrance State Hospital.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

AC-8158 Contractor to furnish all labor, parts and equipment to maintain chiller (central air conditioning) system. Service will be provided at the Altoona Center however bid specifications can be obtained from the Purchasing Office at the Ebensburg Center.

Department: Public Welfare
Location: Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA 16601
Duration: July 1, 1997 through June 30, 2000
Contact: Cora Davis, Purchasing Agent, (814) 472-7350, ext. 259

Laboratory Services—24

5102 Contractor to provide laboratory testing services as required consisting of daily courier service, providing of all necessary materials to accomplish testing, furnishing of computer laboratory information, monthly laboratory educational programs, follow-up and consultation, in-service training and indexed manual.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Lodging/Meeting Facilities—27

RFP 961001 Provide a resort facility (meeting rooms, meals, coffee breaks, overnight rooms, etc.) for the 1997 PLCB Retail Marketing Conference. Projected time frame beginning September 28, 1997.

Department: Liquor Control Board
Location: Within the Commonwealth of Pennsylvania
Duration: Five (5) days
Contact: Nelson A. McCormick II, (717) 787-9851

Mailing Services—28

SP319288 Provide courier services for the Delaware County Assistance Office. This service is between two (2) district offices. Records and materials must be transported on a daily basis. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: 701 Crosby Street, Suite A, Chester, PA 19013-6099
Duration: 07-01-97—06-30-02
Contact: Lori Vessella, (717) 783-9281

Medical Services—29

96-40 Rebid Provide as needed on-site dental care and treatment to inmates at the State Correctional Institution at Waymart. Twenty hours per week according to the following schedule: Monday, Tuesday, and Thursday, 4:00 p.m. to 8:00 p.m.; Saturday 8:00 a.m. to 4:00 p.m. Dentist will work independently without an assistant. Dentist must be licensed to practice in Pennsylvania.

Department: Corrections
Location: State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256
Duration: January 1, 1997 to June 30, 1998
Contact: John Ondash, (717) 488-2706

020 RFP for development, preparation, administration, grading, and related services of examinations for candidate certification as auxiliary personnel performing radiologic procedures in the office of a licensed dentist for the State Board of Dentistry in the Bureau of Professional and Occupational Affairs. NOTE: Copies of the RFP containing specifications may be obtained by written request to: Office of Operations and Contract Management, P. O. Box 2649, Harrisburg, PA 17105-2649. Refer to RFP No. 96-004.

Department: Department of State
Location: Harrisburg, PA
Duration: Five years: July 1, 1997 through June 30, 2002
Contact: Kathy Bilyeu, DOS—Operations and Contract Management, (717) 783-7220

No. 8160 Install, replace, maintain and service S.O.S. portable oxygen inhalators. Complete bid specifications can be obtained from the Purchasing Office at the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: July 1, 1997 through June 30, 2000
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

PSERS-HMO HMO Management Services—PSERS is looking for a firm or organization to provide HMO management services for PSERS Health Options Program. Contractor to evaluate the performance of current HMOs participating in the Program, recommend additional HMOs as appropriate, assist in the rate negotiations and the preparation of open enrollment material. Preproposal conference will be held at PSERS on December 12 at 9:00 a.m. Please call for complete bid package and specifications—Rebecca A. Snead (717) 720-4607.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: Indeterminate 1996-97
Contact: Rebecca A. Snead, (717) 720-4607

PSERS-HC100 Health Benefit Consultant—PSERS is looking for a firm or organization to provide health insurance benefits consulting services for the PSERS Health Options Program. Contractor to evaluate premium rate renewals, recommend plan design changes to control costs and negotiate with insurers and service providers. Preproposal conference will be held at PSERS on December 12 at 9:00 a.m. Please call for complete bid package and specifications—Rebecca A. Snead (717) 720-4607.

Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: Indeterminate 1996-97
Contact: Rebecca A. Snead, (717) 720-4607

5093 Psychiatrist—professional medical work in the specialized care and treatment of the physically ill and/or mentally disabled. Psychiatric duties include interviewing patients, reviewing patients' records, writing physician's orders, writing progress notes, consulting with other physicians and treatment team staff, holding treatment team meetings, preparing reports and forms in accordance with current regulations and JCAHO standards.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

5094 Chief of Psychiatry—management of total psychiatric services under the direction of a professional/administrative supervisor. Responsible for planning, management, coordination, evaluation, and integration of psychiatric services to further comprehensive patient treatment; develops policies and procedures regulating the conduct of all psychiatric services, evaluates their effectiveness and promotes staff improvement; supervises subordinate psychiatrists, physicians, and/or resident physicians in the implementation of hospital-wide psychiatric services.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

5095 Contractor/physician to furnish the professional services of a dentist approximately 20 hours per week. Contractor/physician must possess a non-restricted license to practice medicine in the Commonwealth of Pennsylvania in the medical specialty of dentistry.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

5096 Contractor/physician to furnish the professional services of an oral surgeon, with anesthesia services. Oral surgery procedures/services are to be furnished when patients require specialized dental services as ordered by this hospital's dentist. Contractor/physician must possess a license to practice medicine in the Commonwealth of Pennsylvania in the medical specialty of dentistry/oral surgery. Contractor/physician must have staff privileges at the Latrobe Area Hospital where the services shall be performed.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

5097 Contractor/physician shall provide professional general medical services for the Mental Retardation Unit at the Torrance State Hospital. The provider must be licensed to practice medicine in the Commonwealth of Pennsylvania. Contractor must provide proof of certification and credentials to the requesting hospital. A minimum of 250 professional visits will be provided annually. The professional visit will be equivalent to three (3) hours; unless approved by the Director of the Mental Retardation Unit.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

5098 Contractor to furnish the services of a Certified/Registered Occupational Therapist approximately 162.50 hours per month, with a minimum of six (6) in-service sessions per annual period.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Property Maintenance—33

2100 Window cleaning services. Complete specifications and instructions may be obtained by contacting the hospital. Award to be made on an aggregate basis.

Department: Public Welfare
Location: Warren State Hospital, Route 62 North, North Warren, Warren County, PA 16365
Duration: 04/15/97—09/30/97
Contact: JD Sample, (814) 726-4448

MR 0800-64 Roadside Mowing Group 8-97-51 M—mowing primary and secondary highways throughout Dauphin County. Specifications for this work available on request.

Department: Transportation
Location: Throughout Dauphin County, PA
Duration: April 1, 1997 to March 31, 1998
Contact: Ed Myers, (717) 787-7600

FM-174296-03 Contractor will supply all labor, scaffolding, tools, equipment, paint and appurtenances to paint exterior, fascia, soffit, trim and gravity vents on the Cherrywood Building No. 33 located at the Harrisburg State Hospital, Harrisburg, PA. Additional service includes the repair of existing stainless steel gutters by securing them in their proper position. Complete specifications and drawings can be obtained by contacting the Procurement office.

Department: Public Welfare
Location: Cherrywood Building No. 33, Harrisburg State Hospital, Harrisburg, PA 17105
Duration: 03/01/97 through 06/30/97
Contact: Ed Blandy, (717) 772-4883

KU 97-10 Kutztown University is interested in obtaining bids for the renovation of the West Dining Room located in the university's South Dining Hall. Scope of work includes but is not limited to: new finishes for floor/ceiling/walls, new lighting, 2 new air handling units and associated duct work, and window coverings. Interested contractors can obtain plans/specifications from: H2L2—Architects/Planners, 714 Market Street, Philadelphia, PA 19106, telephone (215) 925-5300 for a non-refundable fee of sixty (\$60.00) dollars. Specifications are available November 25, 1996. There will be a pre-bid meeting on December 9, 1996 at 10:00 a.m. Bids are due December 20, 1996 by 2:00 p.m. and will be opened December 23, 1996 at 2:00 p.m. The System encourages responses from small firms, minority firms, women owned firms, and firms which may not have previously performed work for the System, and will consider joint-ventures which will enable these firms to participate in System contracts.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: Approximately 120 days after notice to proceed
Contact: Barbara Reitz, (610) 683-4132

CRE-0182 Contractor shall provide all labor, equipment, materials and supplies necessary to resurface underground walkway tunnel on the premises of the State Correctional Institution at Cresson. On site inspection of services to be performed are required. Complete bid specifications on file within agency purchasing department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001
Duration: March 1, 1997 to June 30, 1997
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

014-038 Mowing of various State Routes throughout Mercer County to include rotary or flail type mowing of grass, in islands and roadside areas within the highway right-of-way for six mowing cycles. The Department reserves the right to increase or decrease the route mileage mowed within this contract. This contract is renewable at contract price, by mutual consent of both parties for one such renewal.

Department: Transportation
Location: Various routes within Mercer County, PA
Duration: 05/01/97 to 04/30/99
Contact: Cynthia L. Supel, (412) 662-5350

Real Estate Services—35

951A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the State Employees' Retirement System, with 2,547 useable square feet of new or existing office space in Hazleton, Luzerne/Carbon County, PA, within the following boundaries: North: Sugar Notch; South: Luzerne/Carbon County Line; East: White Haven; West: Luzerne/Columbia County Line. Proposals due: December 23, 1996. Solicitation No.: 92414.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Doris Deckman or Edward Meyer, (717) 787-4394

Sanitation—36

SP221433 Sealed bids will be received at Black Moshannon State Park, R. R. 1, Box 183, Philipsburg, PA 16866 until December 18, 1996 and then publicly opened and read. Bid documents must be obtained from the park office. Provide 5 solid waste containers, empty them, and dispose of waste in accordance with specifications over a period of four years.

Department: Conservation and Natural Resources
Location: Black Moshannon State Park, R. R. 1, Box 183, Philipsburg, PA 16866
Duration: Four (4) years
Contact: Park Office, (814) 342-5960

Security Services—37

LH-SER009 Equipment maintenance and repair to the Pyrotronics Computerized Fire Alarm System X13 on a time and material basis as requested by State Correctional Institution Laurel Highlands. To include all active electronics and related equipment located at the institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: 2/01/96 to 6/30/99
Contact: Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

Vehicle, Heavy Equipment and Powered Machinery Services—38

5103 Contractor to supply all labor and parts necessary to repair, adjust, and calibrate various electric motors.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, Westmoreland County, PA 15779-0111
Duration: 7/1/97—6/30/2001
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

11-45 General maintenance loader, compressors, rollers, flashing lights, welders, truck milling machine, flasher, vactor, backhoe w/attachments and various other equipment. Most equipment vendor operated.

Department: Transportation
Location: PennDOT 11-0, Allegheny, Beaver and Lawrence Counties, PA
Duration: 4-1-97—3-31-98
Contact: Rich Fixel, (412) 429-4937

Miscellaneous—39

019 RFP for development, preparation, administration, grading, and related services of theory and practical examinations for manicurists, cosmeticians, cosmetologists, and cosmetology teachers and theory examinations for cosmetology managers for the State Board of Cosmetology in the Bureau of Professional and Occupational Affairs. NOTE: Copies of the RFP containing specifications may be obtained by written request to: Office of Operations and Contract Management, P. O. Box 2640, Harrisburg, PA 17105-2649. Refer to RFP No. 96-003.

Department: Department of State
Location: Harrisburg, PA
Duration: Five years—July 1, 1997 through June 30, 2002
Contact: Kathy Bulyeu, DOS—Operations and Contract Management, (717) 783-7220

038 Deliver 6500 cubic yards of shale and tailgate spread at the locations specified.

Department: Conservation and Natural Resources
Location: Bureau of Forestry: Means Hollow Road, Southampton Township, Cumberland County and Three Turn Road, Southampton Township, Cumberland County, PA
Duration: Material to be delivered after January 1, 1997
Contact: Paulette M. Keefer, (717) 352-2211

RFP-101 The Centre Area Transportation Authority (CATA) located in Centre County, PA, is seeking proposals from qualified individuals and firms, including joint ventures, for the development of a Public Transportation Plan. The elements of the Plan will include technical analyses, needs assessments, financial projections, and strategic planning assistance. To obtain a copy of the proposal, please contact: Hugh A. Mose, General Manager, CATA 2081 West Whitehall Road, State College, PA 16801, (814) 238-0625. Proposals will be accepted until 5:00 p.m. on Tuesday, January 7, 1997. CATA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

Department: Centre Area Transportation Authority (CATA)
Location: Centre County, PA
Duration: 12 months
Contact: Hugh A. Mose, General Manager, (814) 238-0625

[Pa.B. Doc. No. 96-2049. Filed for public inspection November 29, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1066206-01	11/19/96	MP Uniform and Supply	35,880.00
1222126-01	11/19/96	Telesensory	5,849.00
1262116-01	11/19/96	Utility Keystone Trailer Sales, Inc.	13,400.00
1282076-01	11/19/96	Besse Medical Supply	18,923.16
1296186-01	11/19/96	Keystone Ford Truck Sales, Inc.	36,223.00
2518155-01	11/19/96	Medtronic	37,400.00
5660-03	11/21/96	Syro, Inc.	856,137.00

Requisition or Contract #	Awarded On	To	In the Amount Of
7313590-01	11/19/96	Telesensory	4,314.00
7350-07	11/21/96	Seco/Therma Systems	224,057.50
7350-07	11/21/96	Resourcenet International	518,774.99
7350-07	11/21/96	Aladdin Synergetics, Inc.	400,346.00
7350-07	11/21/96	Calico Industries, Inc.	106,700.40
8230730-01	11/19/96	Kavouras, Inc.	12,360.00

GARY E. CROWELL,
Secretary

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