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PENNSYLVANIA BULLETIN

Volume 28
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Agencies in this issue:

The General Assembly
The Courts
Bureau of Professional and Occupational
Affairs
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Medical Professional Liability Catastrophe
Loss Fund
Pennsylvania Public Utility Commission
State Board of Auctioneer Examiners
State Board of Veterinary Medicine
State Ethics Commission
State Police
Turnpike Commission

Detailed list of contents appears inside.

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

No. 288, November 1998

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*.

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GENERAL ASSEMBLY

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

Under section 4(d) of the Public Official Compensation Law (65 P. S. § 366.4(d)), for the 12-month period beginning December 1, 1998, through November 30, 1999, 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 November 1, 1997, through October 31, 1998.

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 November 1, 1997, through October 31, 1998, cumulative percentage change—1.5504%.

New salary amount—\$59,245.74.

Under section 4(d.1) of the Public Official Compensation Law (65 P. S. § 366.4(d)), for the 12-month period beginning December 1, 1998, through November 30, 1999, 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 November 1, 1997, through October 31, 1998.

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	1.5504%	33,240.64
Majority Floor Leader	1.5504%	26,593.78
Minority Floor Leader	1.5504%	26,593.78
Majority Whip	1.5504%	20,182.63
Minority Whip	1.5504%	20,182.63
Majority Caucus Chairman	1.5504%	12,584.05
Minority Caucus Chairman	1.5504%	12,584.05
Appropriations Chairman	1.5504%	20,182.63
Minority Appropriations Chairman	1.5504%	20,182.63
Majority Caucus Secretary	1.5504%	8,310.79
Minority Caucus Secretary	1.5504%	8,310.79
Majority Caucus Policy Chairman	1.5504%	8,310.79
Minority Caucus Policy Chairman	1.5504%	8,310.79
Majority Caucus Administrator	1.5504%	8,310.79
Minority Caucus Administrator	1.5504%	8,310.79

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

[Pa.B. Doc. No. 98-1934. Filed for public inspection November 27, 1998, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 702 of the Pennsylvania Rules of Judicial Administration; No. 198 Judicial Administration Doc. No. 1

Order

Per Curiam

And Now, this 6th day of November, 1998, Rule 702 of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 702 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 702. Divisional assignment of judges.

1. Each judge appointed or elected to fill a vacancy in a court of common pleas having [**one or**] more **than two** divisions shall be initially assigned by the president judge of the court to be a member of a division of the court. Unless previously approved by the Supreme Court, such assignment shall be temporary only until such approval has been received.

2. The president judge of a court of common pleas which consists of [**one or**] more **than two** divisions may make temporary assignments of judges from one division to another division of the court when required in order to expedite the business of the court. He shall not make any permanent re-assignment of a judge from one division to another division without the approval of the Supreme Court.

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[Pa.B. Doc. No. 98-1935. Filed for public inspection November 27, 1998, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 33]

Amendment of Canon 7B(2) of the Code of Judicial Conduct; No. 199 Judicial Administration Doc. No. 1

Order

Per Curiam

And Now, this 9th day of November, 1998, Canon 7B(2) of the Code of Judicial Conduct is amended to read as follows.

To the extent that notice of the proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Canon 7B(2) of the Code of Judicial Conduct is hereby found to be required in the interest of justice and the efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Canon 7. A judge should refrain from political activity inappropriate to his judicial office.

* * * * *

B. Campaign conduct.

* * * * *

(2) A candidate, including an incumbent judge, for a judicial office that is filled by public election between competing candidates should not himself solicit or accept campaign funds, or solicit publicly stated support, but he may establish committees of responsible persons to secure and manage the expenditure of funds for his campaign and to obtain public statements of support for his candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. A candidate's committees may solicit funds for his campaign no earlier than thirty days prior to the first day for filing a declaration of intention to seek reelection on a retention basis, **and all fundraising activities in connection with such judicial campaign shall terminate no later than the last calendar day of the year in which the judicial election is held.** A candidate should not use or permit the use of campaign contributions for the private benefit of himself or members of his family.

* * * * *

[Pa.B. Doc. No. 98-1936. Filed for public inspection November 27, 1998, 9:00 a.m.]

[207 PA. CODE CH. 51]

Amendment of Rule 15D(4) of the Rules Governing Standards of Conduct of District Justices; No. 117 Magisterial Docket; No. 1 Book 2

Order

Per Curiam

And Now, this 9th day of November, 1998, Rule 15D(4) of the Rules Governing Standards of Conduct of District Justices is amended to read as follows.

To the extent that notice of the proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 15D(4) is hereby found to be required in the interest of justice and the efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 51. STANDARDS OF CONDUCT OF DISTRICT JUSTICES

PENNSYLVANIA RULES FOR DISTRICT JUSTICES

Rule 15. Public Office and Political Activity.

* * * * *

D. With respect to his campaign conduct, a district justice or a candidate for such office shall:

* * * * *

(4) not himself solicit or accept campaign funds, or solicit publicly stated support, but he may establish committees of responsible persons to secure and manage the expenditure of funds for his campaign and to obtain public statements of support for his candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. A candidate's committees may solicit funds for his campaign no earlier than thirty (30) days prior to the first day for filing nominating petitions, and all fundraising activities in connection with such campaign shall terminate no later than the last calendar day of the year in which the election is held. A candidate should not use or permit the use of a campaign contribution for the private benefit of himself or members of his family.

* * * * *

[Pa.B. Doc. No. 98-1937. Filed for public inspection November 27, 1998, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Residential Placement Providers—Reporting Requirements

Family Court Division; Administrative Order #98-06 (Revises Administrative Order #82-01)

Effective immediately, all providers in institutional, group living, or foster residential placements for delinquent juveniles committed to said provider by the Juvenile Court shall file at least ten (10) days prior to any administrative review, review or discharge hearing:

(A) Progress Reports—At each three (3) month anniversary of a child's placement with said residential program. Said report to be filed with the Chief of Juvenile Branch, with copies to the assigned Probation Officer, District Attorney and Defense Counsel and shall delineate the social, behavioral, academic and vocational progress of said child. Where the placement involves additional special treatment components, including drug or alcohol treatment, sex offender treatment, psychiatric, retardation or learning disability therapy, said report shall also describe the child's course of treatment and progress. All incidents of normative or problematic behavior shall be delineated in the report.

Where the Court, pursuant to Department of Human Services regulations has set a five (5) month review date, a five (5) month report will be filed in lieu of a six (6) month report.

In all instances where there is an initial five (5) month administrative review, the child shall not be brought to Court, except by order of the Court, upon motion of District Attorney, Defense Counsel, Placement Institution, or Court itself. In that instance, said request being made at the date of the five (5) month administrative review hearing, the Court shall list the case no later than thirty (30) days, after the five (5) month review hearing for the child's appearance in Court. Following the administrative review hearing, the Court shall list the case four (4) months after the administrative review at which time the child may be brought down, if so ordered.

(B) Discharge or Transfer Reports—Upon any motion or recommendation for discharge (with or without jurisdictional restraint) or transfer to another institution or program or probation, provider shall file with the Chief of the Juvenile Branch with copies to the assigned Probation Officer, District Attorney and Defense Counsel, a comprehensive report delineating the program's entire experience with said child, specifically addressing social, behavioral, academic and vocational progress; and where appropriate the drug, alcohol, sex offender, psychiatric, retardation and/or learning disability therapy regarding the resident's progress therein. Any instances of problematic or normative behavior are to be detailed.

"Transfer to another institution or program" means any increase or reduction in the level of treatment, supervision or structure within the same agency or with any other provider.

Please note that a Court Order is required to bring a child to a hearing if the child is to be detained at the Youth Study Center or at a community based detention shelter. Whenever a child is brought down pursuant to a bring down on a Court Order for a hearing on the

discharge or transfer, a copy of the report must accompany the child if the child is to be detained at the Youth Study Center or community base shelter pending the hearing.

(C) *Passes, Work Release, Escape and Leaves*—Under the recently enacted Victims Bill of Rights, victims of feloniously assaultive crimes are entitled to be informed, whenever the assailant “is to be released on parole, furlough or any other form of supervised or unsupervised release.” Accordingly, all residential providers are hereby required to follow the Home Pass Protocol published by the Pennsylvania Juvenile Court Judges’ Commission. All notifications must comply with standards set forth in said protocol. The institution is required to file a supplemental notice of any failures to return, lateness in returning or any other normative or problematic behavior which occurs in or away from the agency after the commencement of the release program. Any cancellation of release shall be immediately reported to the District Attorney—686-4094 for communication to the victim.

(D) *A.W.O.L. and/or Violation of Law*

(1) Upon a committed child’s unauthorized leave from a residential placement or his/her failure to return from an authorized leave, the staff of said program shall immediately, in person or by telephone, report the child’s status to the Chief of the Juvenile Branch or his designate, the District Attorney’s Office, and the appropriate local police authority. During regular working hours 9 a.m. to 5 p.m., personal or telephone notification should be directed to the assigned probation officer or that probation officer’s supervisor. Telephone reporting after 4 p.m., holidays and weekends is to be directed to the Intake Interviewer on duty at 686-4818 or 686-4999, and the District Attorney’s Office 686-6303 and a written report of all such incidents is to be faxed to the Chief of the Juvenile Branch at (215) 686-4014 within twenty-four (24) hours of occurrence.

(2) Upon the commission of any incident which would be a crime, by or upon any juvenile resident, the staff of any residential program shall notify the Chief of the Juvenile Branch in writing within twenty-four (24) hours. This report does not obviate any responsibility to notify proper law enforcement agencies.

PAUL P. PANEPINTO,
Administrative Judge
Family Court Division

[Pa.B. Doc. No. 98-1938. Filed for public inspection November 27, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY Local Rules Relating to Divorce

Order

And Now this 3rd day of November 1998, the Bucks County Rules of Civil Procedure are amended as follows.

1. Rules 1920.13*(d), 1920.22*(c), 1920.33*(g), 1920.42*(c), *(d) and *(e), 1920.51*(f) and *(g), 1920.54*(e), 1920.55*(d), 1920.*63 and 1920.76*(a) are rescinded.

2. Rules 1920.33*(g), 1920.42(d)*(3), 1920.42*(f), 1920.51*(f) and *(g), 1920.55-3(c)*(1), 1920.*63 and 1920.5*(c) are promulgated:

Rule 1920.33*(g) Failure to File Pre-Hearing Statement.

1. Specific testimony or evidence may be excluded at the master’s hearing or at the hearing de novo when a party has failed to comply with Pa.R.C.P. 1920.33.

2. The deadline for filing pre-hearing statements is modifiable only on written agreement or on a finding of good cause.

Rule 1920.42(d)*(3) Proceedings Upon Filing of Counter-Affidavit.

When a counter-affidavit denies irretrievable breakdown of the marriage or two-year separation, either party may file a motion for record hearing before the permanent master on grounds for divorce.

Rule 1920.42*(f) Form of Divorce Decree.

1. The caption of the decree of divorce shall include the statutory grounds for the divorce.

2. The decree shall not retain jurisdiction of ancillary claims or convert spousal support to alimony pendente lite except in accordance with Bucks County Court Rule 1920.16*(a).

3. The decree shall incorporate a property settlement agreement only if one of the provisions of the agreement requests incorporation or if incorporation is requested in a separate written stipulation.

Rule 1920.51*(f) Permanent Masters.

1. All claims for divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, and all claims for annulment shall be heard by one of the permanent masters. The proceedings shall be conducted in accordance with Pa.R.C.P. 1920.55-2.

2. All claims for equitable division of marital property, counsel fees, costs and expenses and any aspect thereof shall be heard by one of the permanent masters. The proceedings shall be conducted in accordance with Pa.R.C.P. 1920.55-3.

Rule 1920.51*(g) Application for Hearing, Objections to Applications, Forms, Times.

1. An application for hearing by the master of related claims may be filed only after entry of an order approving grounds for divorce or annulment and after the moving party has complied with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), and with any orders entered pursuant to Bucks County Rule 1920.5*(c).

2. The application for hearing shall be substantially in the form set out in the Bucks County Rule 1920.74(c) and shall propose a deadline for filing of pre-hearing statements.

3. The application for hearing shall be stricken by the master for failure of the moving party to comply with Pa.R.C.P. 1920.31(a)(1) and 1920.33(a), and with any orders entered pursuant to Bucks County Rule 1920.5*(c). A motion to strike shall be substantially in the form set out in Bucks County Rule 1920.74(d), and shall be filed within 10 days of service of the application for hearing.

Rule 1920.55-3(c)*(1) Demand for Hearing De Novo, Withdrawal.

A written demand for a hearing de novo on claims for alimony, equitable distribution of marital property, coun-

sel fees, costs and expenses may not be withdrawn without leave of court unless the opposing party consents in writing to the withdrawal.

Rule 1920.*63 Discontinuance.

An action for divorce, annulment or equitable division of marital property may not be withdrawn or discontinued without leave of court or a written agreement of the parties filed of record.

Rule 1930.5*(c) Discovery.

The procedure for compelling compliance with R.C.P. 4001 et seq. shall be in accordance with Bucks County Rule 4019(g)(1)*(a) and *(b).

It is hereby *Ordered* that these changes shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

ISAAC S. GARB,
President Judge

[Pa.B. Doc. No. 98-1939. Filed for public inspection November 27, 1998, 9:00 a.m.]

ERIE COUNTY

Revision and Restatement of the Orphans' Court Rules

Order

And Now, this 10th day of November, 1998, the following revisions and amendments to the Rules designated as the Local Orphans' Court Rules of the Erie County Court of Common Pleas, Sixth Judicial District, Erie, Pennsylvania are hereby Approved, Adopted and Promulgated as Rules of Court. These Rules shall become effective thirty (30) after publication in the *Pennsylvania Bulletin*.

JOHN A. BOZZA,
President Judge

Rule 1

Judges—Local Rules

1.2.1 The Business of the Court

(a) *Motion Court*. Unless otherwise ordered by the Court, Motion Court will be held every Monday through Thursday at 9:00 a.m.

(b) *Audit List*. Accounts are audited on the fourth Monday of each month during the year, except during the months of June and August. Should the Audit day fall on a holiday, the Audit date shall be on the next following business day.

1.2.2 Argument.

Cases requiring argument are heard at a time fixed by the Court.

1.2.3 Attorneys.

(a) *Attorney as Surety*. An attorney shall act as surety only by special Order.

(b) *Notice to Counsel*. Notice by or to attorneys shall be in writing, given to the attorney of record or to an employee of his office, and shall be considered notice to the party represented unless personal notice to the party is required.

(c) *Removal of Records*. No records shall be removed from the office of the Clerk without a written Order of Court. The Clerk shall report to the Court any failure to comply with the Order.

(d) *Appearance*. Any attorney representing a party in any proceeding in the Orphans' Court Division shall enter a written appearance with the clerk of the Orphans' Court which shall state the attorney's Pennsylvania Supreme Court Identification Number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties.

1.2.4 Sureties. Individual—Corporate

(a) *Individual Sureties*. Individuals proposed as sureties on bonds of fiduciaries shall file affidavits on the printed forms supplied by the Clerk. The affidavits and bond shall be filed for approval.

(b) *Bond Without Surety*. The Court may permit a party in interest to execute an individual bond, without surety upon such conditions as the Court requires.

(c) *Corporate Sureties*. Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in the Orphans' Court; provided, that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, is filed of record.

(d) *Duty of fiduciary*. It is the duty of the fiduciary to determine that its surety remains responsible and that any bond remains continuously in effect.

1.2.5 Certificates of Appointments. Fiduciaries.

The Clerk shall not issue a certificate of appointment of any fiduciary until the security, if any, ordered by the Court, has been filed, approved and entered.

1.2.6 Individual Fiduciaries. Assets and Investments.

(a) *Segregation and Designation of Assets*. Assets subject to the jurisdiction of the Court and held by individual fiduciaries shall be kept separate and apart from their individual assets and, except where otherwise permitted by Act of Assembly, shall be held in the name of the fiduciary as such unless they are left in the name of the decedent, the incapacitated person, or the minor.

(b) *Small estates*. Where the cash assets of an estate are \$1,000.00, or less, the fiduciary may deposit such cash in the attorney's trustee account.

(c) *Deposit of Uninvested Funds*. All funds held uninvested shall be deposited in financial institutions, the deposit of which are insured by a Federal governmental insurance agency, in such manner as to guarantee that all such funds are fully insured, unless otherwise authorized by the Court.

1.2.7 Corporate Fiduciaries. Approval. Security.

(a) *In General*. Corporations having fiduciary powers and authorized to do business in this Commonwealth, upon petition and pursuant to approval by the Court, may act as fiduciaries in matters pending in the Court; provided that a current certificate evidencing the approval of the State Banking Department, or a certified copy of the certificate from the Federal Reserve Board granting the right to exercise fiduciary powers, is on file with the Clerk.

(b) *Period of Approval*. The approval granted by the Court under subparagraph (a) of this Rule shall be for a

period of one year and thereafter annually, subject; however, to compliance by the corporation with these Rules and with such other rules and regulations governing approval of continuance as the Court will, from time to time, promulgate.

(c) *Security*. A bond will not be required of an approved corporate fiduciary except when required by statute or for special cause shown.

1.2.8 Release of Fiduciary and Surety.

No fiduciary, bonding company or corporation that files its own bond, or individuals who become sureties on bonds, will be released from their liabilities on the bond until all of the requirements relative to the administration of the estate have been fulfilled. Any surety may be substituted by special Order of Court, but the old surety shall only be released after filing and confirmation of an account, unless excused from doing so by Order of Court.

1.2.9 Trusts Inter Vivos.

The Rules of Court applicable to testamentary trusts shall apply to trusts inter vivos.

1.2.10 Legal Periodical.

The *Erie County Legal Journal* is the legal periodical for the publication of legal notices in Erie County.

1.2.11 Return Days.

Return days shall be on such day as may be fixed by Order of Court unless otherwise provided by statute or Rule of the Supreme Court.

Rule 2

Construction and Application of Rules

2.3.1 Definitions.

The following words, when used in these Rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) "Business days" shall be deemed to include Mondays through Fridays excepting weekdays when the Court House is closed.

(b) "Common Pleas" means the Court of Common Pleas of Erie County.

(c) "Exceptions" shall mean written objections to a ruling of the Court.

(d) "Local Rule" shall mean the Erie County Orphans' Court Rules.

(e) "Objections" shall mean written objections to actions of a fiduciary.

(f) "PEF Code" shall mean the Pennsylvania Probate, Estates and Fiduciaries Code as found in 20 Pa.C.S.A. § 101, et seq., as shall be amended from time to time.

(g) "State Rule" shall mean the Pennsylvania Supreme Court Orphans' Court Rules.

Rule 3

Pleadings and Practice

3.2.1 Pleadings.

The Pleadings in matters before the Orphans' Court are limited to a petition, (including a petition for a citation or for declaratory relief), an answer (which may include new matter), a reply, preliminary objections and an answer to preliminary objections.

(a) *New Matter*. Any defense which is not a denial of the averments of fact in the petition shall be set forth under the heading "New Matter".

(b) *Reply*. A reply shall be required when New Matter is set forth in the answer.

(c) *Preliminary Objections*.

(1) Preliminary objections are available to any party, but shall be limited to questions of:

(A) law;

(B) form; or

(C) jurisdiction.

(2) An answer to preliminary objections is limited to the averments of fact concerning jurisdiction set forth in the preliminary objections.

3.2.2 Disposition of Pleadings.

(a) *Failure to Answer*. If the respondent fails to file a timely answer, all averments of fact within the petition may be deemed by the Court to have been admitted.

(b) *Failure to Reply*. If the petitioner fails to file a reply to an answer which contains new matter, the averments of fact set forth under the new matter may be deemed admitted and the case will be at issue.

(c) *Failure to File an Answer to Preliminary Objections*. If the petitioner fails to file an answer to preliminary objections raising questions of jurisdiction, the averments of fact set forth in the preliminary objections may be deemed admitted and the case will be at issue on the preliminary objections.

3.4.1 Form. Additional Requirements.

(a) *Typing. Endorsements*. Every pleading shall be endorsed with the name, address, Pennsylvania Supreme Court Identification Number and telephone number of counsel and, where practicable, typewritten and double-spaced or printed.

(b) *Notice to Plead*. Every pleading to which a response is required shall have endorsed thereon, or included therein as the first page thereof, in a conspicuous place, a notice to defend and notice to plead addressed specifically to each party from whom a response is required. The form as required by RCP 1018.1 and RCP 1361 (as said Rules may be in force or hereafter amended) shall be used.

(c) *Signature and Verification*. All pleadings shall be signed by the attorney and verified by at least one of the parties involved. If this is impracticable, they may be signed and verified by someone familiar with the facts, in which case the reason for the failure of the parties to do so shall be set forth.

(d) *Decree*. Every proposed decree shall bear the caption of the case and shall be attached to the petition.

(e) *Consents*. The petition shall recite that all necessary consents are attached or shall set forth the names of the persons who do not consent. The Court may direct that notice be given or that a citation be directed to persons who do not consent to show cause why the prayer of the petition shall not be granted.

(f) *Paper Size*. No paper or other document may be filed in the Register of Wills or Clerk of Orphans' Court Division other than paper 8 1/2" x 11" in size. The only exception to this Rule is the filing of a Will.

(g) *Cover Sheet*. All motions presented at motion Court shall include a completed motion Court cover sheet in the form required by the Court.

(h) *Notice Requirements Prior to Presentation at Motion Court.*¹ Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, other than a Rule to Show Cause which grants no relief, opposing counsel and unrepresented parties must be given notice, subject to the following:

(1) *Contents of Notice.* The notice must give the date and time when the motion or petition will be presented to the Court and must be accompanied by a copy of the proposed motion and Order.

(2) *Certification of Notice.* The motion or petition must contain a certificate signed by counsel verifying that proper notice was given under this Rule.

(3) *Length of notice required.* Except where otherwise required under the Local Rules, the following notice shall be required:

(A) Two (2) full business days' notice must be given by personal delivery or facsimile transmission to each party or their counsel's office, or

(B) Five (5) full business days' notice must be given if notice is by mail.

(4) *Failure to give notice.* The Court will not enter an Order on a petition or motion without the Certificate of Notice being attached unless a special cause is shown to the Court.

3.5.1 Service of Copies of Pleadings.

(a) *Pleadings.* A copy of every pleading filed in a case shall be promptly served upon counsel of record for all parties in interest; or, in the absence of counsel, upon the parties themselves.

(b) *Briefs.* All briefs shall be filed directly with the Clerk of the Court, with copies to the Judge and to all parties of record or their counsel of record.

3.6.1 Depositions, Discovery and Production of Documents.

The procedure relating to depositions, discovery and production of documents shall be governed by special Order of Court.

(a) Leave to take depositions and/or to obtain discovery or production of documents shall be granted only upon petition with good cause shown, except upon agreement of counsel.

(b) In the case of a will contest, no discovery shall be allowed prior to the filing of the contest or caveat.

3.6.2 Perpetuation of Testimony.

The procedure relating to perpetuation of testimony shall be governed by special Order of Court in every case.

3.7.1 Pre-trial Conference.

In any action the Court, of its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

- (a) The simplification of issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions or stipulations of fact and documents which will avoid unnecessary proof;
- (d) The limitation of the number of expert witnesses; and

(e) Such other matters as may aid in the disposition of the action.

The Court may make an Order reciting the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties as to any of the matters considered and limiting the issues for trial to those not disposed of by admissions or agreements of the attorneys. Such Order when entered shall control the subsequent course of the action unless modified at the trial to prevent manifest injustice.

Rule 5

Notice

5.1.1 Method of Serving Notice. Public Sale of Real Property.

Notice of the public sale of real property shall be given:

(a) By advertisement once a week for three successive weeks in the *Erie County Legal Journal* and at least in one other newspaper of general circulation in Erie County; and

(b) By handbills, one of which shall be posted at a conspicuous place on the real property to be sold, and at least three of which shall be posted in three public places in the vicinity of such real property; and

(c) By personal notice, sent via registered or certified mail, to all parties in interest, of the time and place of the proposed sale, at least ten days prior to the time set for the sale of the property.

5.2.1 Method of Serving Notice. Person under Incapacity With No Fiduciary.

Whenever notice is to be given to a person who is not sui juris, for whom there is no guardian or trustee, notice shall be given by serving it upon said person, if more than fourteen years of age, and, in all cases, upon

(a) Said person's spouse; or

(b) Next of kin; or

(c) The person with whom said person resides or by whom said person is maintained; or

(d) The superintendent or other official of the institution having custody of said person; or

(e) In such manner as the Court, by special Order, may direct.

5.2.2 Method of Serving Notice. Presumed Decedents and Unascertained Persons.

Notice to be given to an absentee, a presumed decedent, or to an unknown or unascertained person, shall be given in the manner provided by Act of Assembly, or, in the absence thereof, in such manner as the Court, by special Order, shall direct.

5.4.1 Return of Notice. Additional Requirements.

(a) *Copy of Notice to be Attached.* A copy of the notice required to be given shall be attached to the petition or return and shall set forth the date the notice was served.

(b) *Personal Service.* Return of personal service of notice shall set forth the date, time, place and manner of service, and that a true and correct copy of the notice was handed to the person served.

(c) *Registered or Certified Mail.* Return of notice by registered or certified mail shall set forth the date and place of mailing and shall include the return receipt, or a photostatic copy thereof. When the person who gives notice by registered or certified mail has personal knowl-

¹ See also Rule 7 for additional notice requirements.

edge or cause to believe that such notice was not received by the person to be notified, he shall so state in the return. When a person resides in a foreign country, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

(d) *Publication.* Return of notice by publication shall consist of proofs of publication, together with affidavits of publication by the publisher or his agent.

5.4.2 Petitions for Approval or Confirmation of Public Sale.

Petitions for approval or confirmation by the Court of the public sale of real property shall be verified and shall set forth:

- (a) The notice as given as provided by Rule 5.4.1(a);
- (b) The price obtained; and
- (c) The name and address of the purchaser and an averment that the purchaser was the highest bidder.

5.6.1 Legatees, Devisees and Beneficiaries of Dispositive Instruments. Notice to Named Individuals.

In every proceeding involving a dispositive instrument requiring the filing of a Pennsylvania Inheritance Tax Return (including, inter alia, wills and inter-vivos trusts), the Fiduciary shall within three (3) months after the probate of the Will, or within six (6) months of the happening of the event giving rise to the disposition of any interest in any property, whichever shall first occur, notify all individuals and institutions named in said dispositive instrument of the probate or the happening of the event giving rise to the disposition of the interest. The notice shall be submitted by regular U. S. Mail and shall include the following:

- (a) In the case of a will²:
 - (1) The name of the decedent and date of death;
 - (2) The date that a Will has been probated and the location;
 - (3) Notification that the addressee has been named as a legatee or devisee in said will;
 - (4) The address where a copy of the will can be acquired, if desired.
- (b) In the case of a dispositive instrument other than a will:
 - (1) The name of the creator of the property interest;
 - (2) The nature of the property interest created;
 - (3) Notification that the addressee has been named as a beneficiary in said dispositive instrument and a copy of such instrument or a description of the beneficiary's interest under the terms of the instrument;
 - (4) The address where a copy of the dispositive instrument can be acquired, if desired.

Rule 6

Accounts and Distributions

6.1.1 Accounts. Form. Additional Requirements.

In addition to the requirements of State Rule 6.1, accounts shall meet the following requirements:

(a) *Form.* Except as herein provided, all accounts shall be in the form approved by the Pennsylvania Supreme

² The form provided by the Register of Wills at the time of Appointment of a Personal Representative may be used to meet the requirements of this section.

Court and known as the Uniform Fiduciary Accounting Standards. Should the account fail to comply with the said accounting standards, the Clerk shall notify the Accountant to immediately comply prior to twenty (20) days before the Audit Day. The corrected account shall be given to all parties in interest. A failure to correct the account shall result in the account being stricken.

(b) *Paper.* Accounts shall be stated on 8 1/2" by 11" paper, fastened together securely at the top and numbered consecutively at the bottom.

(c) *Use of forms provided by Register of Wills.* Accounts may continue to be stated in conformity with and on forms provided by the Register of Wills.

6.1.2 Reporting Requirements for Sales and Purchases Between Estate and Accountant.

The account shall specifically describe and indicate the amount:

(a) Of the purchase price for all assets which have been purchased from the estate by the accountant, individually, as a fiduciary or in any other capacity; and

(b) Received for all assets sold to the estate which are owned by the accountant, individually, as a fiduciary or in any other capacity.

6.1.3 Execution and Verification of Account.

Every account filed with the Register or Clerk shall be signed by each accountant, unless special leave of Court is obtained, and shall be verified by at least one accountant. It must be sworn or affirmed:

(a) That the disbursements claimed have been made to the parties entitled thereto;

(b) That the account as stated is true and correct;

(c) That notice has been given to each unpaid creditor, whether or not payment is contested;

(d) In a decedent's estate, that four months have elapsed from the date of the first complete advertisement of the original grant of letters, unless the accountant has been directed by the Court to file an account prior to that time.

6.1.4 Receipts for Disbursements.

Disbursement receipts or canceled checks of five hundred dollars (\$500.00), or more, or reproduced copies of either, shall be presented with the account; except corporate fiduciaries in lieu thereof may file copies of their ledger sheets showing disbursements. In the case of inheritance taxes, bequests and distributive shares, all receipts or canceled checks or reproduced copies of either shall be filed with the account without regard to the amount thereof.

If counsel for the fiduciary certifies that a receipt or cancelled check executed by the distributee is not available despite good faith efforts to obtain same, a photocopy of the front of the check accompanied by evidence of payment by the bank shall be acceptable.

6.1.5 Small Estates.

Where an estate does not exceed in value the amount fixed by the PEF Code as a small estate, an account may be filed and confirmed in accordance with the applicable Statutory authority. Petitions for the Settlement of Small Estates must conform to the PEF Code, this Rule and Local Rules 7 and 12.0.1.

6.2.2 Accounts of Guardians of the Estates of Minors.

The guardian of the estate of a minor shall submit to the Court with the audit statement and account:

- (a) A statement of the manner and date of appointment of the guardian;
- (b) A statement that notice of the audit has been given to all known, unpaid claimants;
- (c) If a final account because the minor has attained majority, a statement, setting forth:
 - (1) the date the minor attained majority;
 - (2) that the former minor examined the account;
 - (3) that the former minor has received the money or benefit of the money for which credit is taken in the account;
 - (4) that the former minor approves the account and requests that it be confirmed;
 - (5) that, upon distribution to the former minor of the balance shown therein, subject to such additional credits as may be authorized by law and set forth in the adjudication, that the guardian shall be discharged; and
 - (d) If the minor is deceased, or has been adjudged an incapacitated person, a statement of proposed distribution to a duly appointed fiduciary.

6.3.1 Notice to Parties in Interest.

No account shall be confirmed unless:

- (a) The accountant has mailed or given to each distributee or the distributee's attorney of record, except where a specific legatee has been paid in full, a complete account and written notice of the filing thereof in accordance with Local Rule 7.1.2(b); and
- (b) The accountant has given notice to each unpaid creditor, whether or not payment is contested in accordance with Local Rule 7.1.2(b).

6.4.1 Filing for a Particular Audit.

Accounts to appear on a particular audit list must be filed not later than the seventh Wednesday preceding the day on which the list is audited.

6.4.2 Postponement or Adjournment and Method of Audit.

Audits may be postponed or adjourned at the discretion of the Auditing Judge. Accounts shall be audited by the Auditing Judge, who shall give written notice to counsel for the accountant of:

- (a) Any objections and the hearing dates thereon;
- (b) Any conditions precedent to confirmation of the account;
- (c) Confirmation; and
- (d) Any other matters deemed appropriate by the Court.

6.4.3 Attendance at Audit not Required.

Attendance at the audit by the accountant, by the attorney for the accountant or any interested party shall not be required.

6.6.1 Advertisement of Accounts.

The Clerk shall give notice of all accounts filed both in the Clerk's Office and in the Office of the Register of Wills and of the time and place of audit by advertising

once a week for four (4) successive weeks in the legal periodical and in one newspaper of general circulation published in Erie County.

6.6.2 Filing.

Accounts received by the Clerk or by the Register and found to violate any provision of these Rules or the State Rules will not be docketed.

6.9.1 Audit Statement.

(a) The Audit Statement shall be signed by each accountant and verified by at least one of them, which Affidavit shall state that a copy of the proposed distribution has been mailed or given to each unpaid creditor and to each distributee or his attorney of record, except to specific legatees who have been paid in full, which notice shall state that written objections must be filed at least four (4) days prior to the date of audit. The Audit Statement shall include a statement of proposed distribution.

(b) The Audit Statement shall be filed not later than four (4) weeks prior to the date of the audit. A copy of the Audit Statement shall be served on all parties in interest not later than twenty (20) days prior to the Audit date.

6.9.2 Unknown or Non-Resident Distributees. Report by Fiduciary.

Whenever it shall appear at the audit of an account that the identity or whereabouts of a distributee is unknown, or that if distribution is made, the beneficiary would not have the actual benefit, use, enjoyment or control of the money or other property to be awarded, and the Court is requested to withhold distribution or to make a provisional award thereof to the accountant, to the Clerk of the Orphans' Court, or to the State Treasury through the Department of Revenue, or in any manner other than to the distributee or the nominee of said distributee, the fiduciary or his counsel shall submit to the Court or auditor, as the case may be, a written report outlining the investigation made and the facts upon which the request is based.

6.9.3 Contents of Report.

The report shall be submitted at the audit and shall include substantially the following:

(a) *Unknown Distributee.* If it appears that the identity or whereabouts of a distributee is unknown, or there are no known heirs, the fiduciary shall submit a written report at the audit, verified by the fiduciary or the fiduciary's counsel, in which shall be set forth:

(1) The nature of the investigation made to locate the heirs of the decedent, in complete detail; and

(2) In cases of intestacy, or where there are no known heirs, a family tree, as complete as possible under the circumstances, supported by such documentary evidence as the fiduciary has been able to obtain. The term "investigation", as used in this Rule, shall include inquiry of or to as many of the following as may be pertinent and feasible: residents of the household in which the decedent resided; friends and neighbors; beneficial organizations; insurance records; church membership, school records; social security, Veterans' Administration or military service records; naturalization records, if not native born; and such other sources of information as the circumstances may suggest.

(b) *Non-Resident Distributees.* If the fiduciary requests the Court to withhold distribution to a non-resident

distributee, he or she shall submit a written report at the audit, verified by the fiduciary or the fiduciary's counsel, in which shall be set forth:

(1) The relationship of the distributee to the decedent, and any available information concerning his present whereabouts;

(2) In cases of intestacy, a family tree, as complete as possible under the circumstances, supported by such documentary evidence as the fiduciary has been able to obtain; and

(3) The reasons for the request that distribution be withheld, and the suggested manner of withholding.

6.9.4 Additional Receipts and Disbursements.

Receipts and disbursements since the date to which the account was stated and to be included in the adjudication, shall be set forth in the statement of proposed distribution or in a separate statement attached thereto.

6.10.1 Objections to Account or Statement of Proposed Distribution. Form, Notice and Time.

(a) Objections to an account or statement of proposed distribution shall be filed at least four (4) days prior to the audit.

(b) Each objection shall be specific as to description and amount.

(c) Objections shall be filed with the Clerk of the Orphans' Court.

(d) A copy of the objections shall be served promptly after filing upon the Court by mailing or delivering a copy to the Auditing Judge, upon counsel for the accountant and counsel for all other parties who have entered appearances.

(e) The Court, for cause shown, may extend the time for filing of objections; provided that a request for extension of time by any person or entity having received notice of the account and statement of proposed distribution has been filed or presented prior to the date of the audit.

(f) Failure by a party or entity to whom notice of the account and statement of proposed distribution has been given in accordance with these Local Rule 6.9.1 to file timely objection or to request an extension of time in which to file objections shall constitute a waiver of objections.

6.11.1 Schedule of Distribution: Confirmation of Title to Real Property.

Approval of a schedule of distribution shall be in the nature of a confirmation of title in the respective distributees.

(a) *Separate Awards of Real Property.* A schedule of distribution shall set forth separate awards of real property in separate paragraphs.

(b) *Description of Real Property. Certification by Counsel.* Real property shall be described in the manner appearing in the last deed of record and shall, in addition, include information pertinent to the derivation of decedent's title.

6.11.2 Determination of Title to Real Property. PEF Code Section 3546.

(a) *Contents of Petition.* A petition under PEF Code Section 3546 for the determination of title shall set forth:

(1) The name of the petitioner and the relationship of the petitioner to the decedent;

(2) The facts on which the claim of the petitioner is based;

(3) Whether the decedent died testate or intestate, and where, when and to whom letters were granted;

(4) A description of real property located within the Commonwealth, and the place, book and page of recording the last deed thereto;

(5) The names and addresses of all known creditors and parties in interest; and

(6) The facts material to a determination of the title.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) The notice which has been given to creditors, parties in interest; and, if the heirs of the decedent are unknown, a copy of the notice given to the Attorney General; and

(2) A copy of the decedent's Will.

(c) *Service.* The decree shall be served on all known heirs and creditors of the decedent thirty (30) days prior to final confirmation, which must be at least three (3) months after the date of the decree nisi. The final confirmation date shall be advertised once in the legal publication and once in a newspaper of general circulation, or as the Court shall otherwise direct.

Rule 7

Exceptions

7.1.1 Filing of Exceptions.

Exceptions authorized by this Rule shall be filed in the office of the Clerk of the Orphans' Court.

7.1.2 Finality of Certain Orders, Decrees and Adjudications.

(a) Orders, Decrees and Adjudications entered in the following matters where no objections have been filed or asserted prior to their entry and those which dispose of objections filed or asserted in timely fashion shall be final and not subject to further exceptions:

(1) An Adjudication approving an account and distribution as set forth on an audit statement or statement of proposed distribution; and

(2) Where not less than ten (10) business days' written notice of intention to present the petition and a copy of the petition and proposed Order or Decree has been given to all parties in interest:

(A) Those approving settlement of a small estate on petition or settlement of an estate, guardianship or trust administration;

(B) Those approving public or private sale of real estate;

(C) Those approving a claim for family exemption;

(D) Those entered upon petition in other matters where such notice has been given.

(b) Where the moving party has given to all parties in interest not less than ten (10) business days' written notice of intention to present a petition specified in this Rule including the date, time and place of filing, presentation or in the case of an account, audit statement or statement of proposed distribution, has given notice of the filing and deadline for filing written objections in accordance with the requirements of the Local Rule 6.9.1(b) and in each case has served all parties in interest with such notice a copy of such petition, account, audit statement or

statement of proposed distribution and proposed decree, if any, the failure by a party in interest to assert objection to such document and/or proposed Order or Decree prior to entry thereof shall constitute a waiver of objections thereto. In such event, exceptions to such Order, Decree or Adjudication shall not be authorized or allowed.

(c) All accounts, audit statements, statements of proposed distribution and petitions subject to this Rule to which objections must be asserted in timely fashion or are waived shall be accompanied by a notice to all parties in interest, signed by the moving party or that party's counsel and substantially in the following form:

(CAPTION)

**NOTICE AS REQUIRED BY ERIE COUNTY
ORPHANS' COURT RULE 7.1.2 (c)**

THE ATTACHED DOCUMENT REQUESTS THAT THE COURT ENTER A FINAL ORDER OR DECREE AND AUTHORIZE THE REQUESTED ACTION WITHOUT FURTHER PROCEEDINGS OR APPEAL UNLESS A PARTY IN INTEREST PROMPTLY ASSERTS OBJECTIONS TO THE REQUESTED RELIEF.

[select one or the other of the following paragraphs]

OBJECTIONS TO AN *ACCOUNT, AUDIT STATEMENT OR STATEMENT OF PROPOSED DISTRIBUTION* MUST BE FILED IN WRITING IN THE OFFICE OF THE ERIE COUNTY CLERK OF THE ORPHANS' COURT, ERIE COUNTY COURT HOUSE, 140 WEST 6TH STREET, ERIE, PA 16501 NOT LATER THAN THE DEADLINE FOR FILING OBJECTIONS, WHICH IS

OR

OBJECTIONS TO A *PETITION* MUST BE ASSERTED EITHER AT THE TIME OF THE PETITION'S PRESENTATION TO THE COURT AS SET FORTH IN A NOTICE ACCOMPANYING THE PETITION OR BY A WRITING FILED IN THE OFFICE OF THE ERIE COUNTY REGISTER OF WILLS PRIOR TO THE DATE AND TIME OF INTENDED PRESENTATION.

IF YOU DO NOT OBJECT TO THE ATTACHED DOCUMENT, YOU ARE NOT OBLIGATED TO TAKE ANY ACTION. IF YOU DO OBJECT TO THE DOCUMENT AND/OR THE PROPOSED ORDER OR DECREE, YOU MUST ASSERT YOUR OBJECTIONS PRIOR TO THE APPLICABLE DEADLINE FOR ACTION. IF YOU FILE WRITTEN OBJECTIONS, YOU MUST MAIL A COPY OF SUCH OBJECTIONS TO THE UNDERSIGNED AND TO ALL OTHER PERSONS WHO ARE PARTIES TO THE MATTER, OR THEIR ATTORNEY(S).

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, CONTACT THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Erie County Lawyers' Referral Service
302 West 9th Street
Erie, PA 16502-1427
Telephone: (814) 459-4411

Mailing Date

Attorney for

7.1.3 Finality of Other Orders and Decrees.

All other Orders and Decrees entered in proceedings shall be final as of the date of filing unless exceptions thereto are taken within ten (10) days after the date of filing thereof.

7.1.4 Effect of Exceptions Upon Decree Nisi.

(a) An exception to any part of a Decree Nisi shall stay the entire Decree, so that the Decree shall not be a final Order until the exception(s) is/are disposed of.

(b) After expiration of the time for filing of exceptions, the Court upon petition filed by any party may enter an Order or Decree declaring those portions of the Decree Nisi not excepted thereto final and binding pending entry of a Final Decree after consideration of the exceptions that have been filed.

(c) Such interim Order or Decree shall not render the original Decree Nisi or any portion thereof a final Order for purposes of appeal, the Final Decree after consideration of exceptions constituting such final Order.

7.1.5 Exceptions to Orders and Decrees.

(a) *Additional Exceptions.* In the event exceptions are filed by any party, all other parties shall have an additional period of ten (10) days from the service of the initial exceptions within which to file additional exceptions.

(b) *Form of Exceptions.* All exceptions shall set forth, with particularity and in numbered paragraphs, the portion(s) of the Order to which exception is taken and the basis for each exception. Only one exception shall be made per paragraph. Points of law may be addressed in a separate brief.

(c) *Procedure for Service of Exceptions.* The party filing the exception, promptly after filing, shall deliver or serve upon the judge who made the Order or Decree being excepted to and upon all other parties or their counsel of record a copy of the exceptions with the exceptant's proposed Order for argument or hearing on the exception. The party filing the exception shall file a certificate of service.

(d) *Procedure Following Filing of Exceptions.*

(1) Upon the expiration of time for filing additional exceptions and replies to exceptions filed, the Court shall enter an Order setting the time and date of the hearing or argument on the exceptions if it deems the same appropriate, unless the parties should stipulate that no argument and/or hearing is necessary.

(2) The Court may order the parties to file briefs or memoranda supporting the position(s) taken by the parties, and may set deadlines for their filing.

(3) Following argument, or upon submission of the exceptions, replies and/or briefs, if any, or upon stipulation and without argument, the Court shall enter an Order or Decree disposing of the exceptions as raised.

7.1.6 Effect of Exceptions on Adjudications, Orders and Decrees.

(a) If specific exceptions to one or more portions of an Adjudication, Order and Decree are filed, the Adjudication, Order or Decree shall become final and binding as to matters not affected by the exceptions.

(b) No Adjudication, Order or Decree to which timely exceptions are taken shall become final for purposes of appeal until the exceptions are disposed of, and the period within which an appeal must be filed shall begin on the date the Order or Decree disposing of all exceptions is filed.

7.1.7 Other Exceptions.

Exceptions not otherwise covered by this Rule shall be filed or presented at such time and place, and in such form, as the Court may direct.

Rule 8**Auditors and Masters****8.1.1 Appointment.**

(a) *Auditors.* An Auditor shall be appointed only when all parties in interest, or their counsel, consent thereto in writing.

(b) *Master.* A Master may be appointed by the Court, on its own motion, or upon the petition of the accountant, or of any party in interest.

(c) Auditors and Masters shall be members of the Bar of this Court.

8.1.2 Manner and to Whom Notice is Given.

(a) An Auditor or Master shall give at least ten (10) days' written notice of his appointment and of the time and place of his or her first hearing to all persons who have appeared of record, and to such other persons and in such manner as the Court may direct.

(b) Notice of succeeding hearings given by the Auditor or Master at a hearing of which proper notice has been given shall constitute sufficient notice of such succeeding hearings.

(c) The hearing shall be held at a time and place indicated and not later than forty-five (45) days after the Auditor's or Master's appointment and shall be extended only upon application to the Court for good cause shown.

(d) The report of the Auditor or Master shall be filed within ninety (90) days after appointment and shall be extended only upon application to the Court for good cause shown.

8.6.1 Notice of Intention to File. Exceptions.

(a) An Auditor or Master shall give ten (10) days' written notice to all parties of record of his or her intention to file his report on a day certain and make a copy thereof available for their inspection during such notice period.

(b) Exceptions, if any, shall be filed with the Auditor or Master before the date fixed for the filing of the report and notice thereof shall be given by the exceptant to all parties of record. Upon the filing of exceptions, the Auditor or Master shall consider and dispose of them, and may amend the report if the exceptions are, in the opinion of the Auditor or Master, in whole or part, well founded.

8.7.1 Exceptions Before the Court.

At the hearing before the Court on the confirmation or approval of the report of an Auditor or Master, the exceptant shall be confined to the exceptions filed by that party with the Auditor or Master unless otherwise allowed by the Court.

8.8.1 Filing of Security With Clerk.

The Court may require that security be filed with the Clerk for the compensation of the Auditor or Master and, until filed, the Auditor or Master need not proceed with the performance of his duties.

8.8.2 Compensation of Auditor or Master.

Any Auditor or Master appointed by the Court under these Rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the Auditor or Master shall recommend and the Court shall direct. The Court may require payment of the Auditor's or Master's fees in advance.

Rule 9**Official Examiners****9.1.1 Examiners—Appointment and Ordinary Duties.**

The Court may appoint by special Order an examiner or examiners who shall examine the assets held by a fiduciary and make full written report thereon to the Court showing what assets belong to the estate, how they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

9.1.2 Examiners—Special Duties.

The Court may, in any Order appointing an examiner or examiners, also request the examiner or examiners to accomplish one or more of the following:

(a) Determine, in the case of a trust, if its purposes are being carried out;

(b) Determine if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, Will, applicable statute, regulation or Court Order;

(c) Make a written report including findings of fact, conclusions of law; and, when appropriate, recommendations for the consideration of the Court; and

(d) Such other matters at the Court may designate.

9.1.3 Examiners—Compensation.

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income, as may be directed by the Court.

Rule 10**Register of Wills****10.2.1 Appeal by Petition.**

All appeals to the Court shall be by petition of a party in interest, shall be signed by counsel, if any, verified by petitioner, and shall set forth:

(a) The caption;

(b) A heading indicating briefly the purpose of the petition;

(c) A concise statement of the facts relied upon to give the Court jurisdiction and to justify the relief desired, and any averments specifically required by any State Rule or Local Rule. The statement shall be divided into paragraphs numbered consecutively, each containing but one material allegation, and shall cite the applicable section of any Act of Assembly relied upon;

(d) The names of all parties in interest, indicating those not sui juris. The names of fiduciaries of parties not sui juris shall be set forth with references to their appointments;

(e) A prayer for the relief desired;

(f) There shall be attached to the appeal petition as exhibits the originals or copies of all Wills, codicils, consents, joinders, approvals, contracts and any other written instruments relied on or pertinent. Exhibits which are not originals and not otherwise certified shall be certified by counsel to be correct. If the petitioner is unable to attach any exhibit, such shall be stated in his petition, with the reason for the inability; and

(g) Within ten days of filing the petition for appeal, the appellant shall file a bond and secure its approval by the

Register and shall request a Citation by the Court to all parties in interest, including those not represented on the record.

10.2.2 Award of Citations.

After the filing of the petition referred to in Local Rule 10.2.1 and the approval of the bond by the Register, the Court will, by Order, award a Citation to all parties in interest, including the Register, to show cause why the appeal should not be sustained and the decision complained of set aside and, in cases where resolution of an issue is desired and a jury trial demanded, why the disputed issue of fact should not be submitted to a jury.

10.2.3. Non Pros.

If the bond is not presented within ten (10) days of taking the appeal, the Clerk of the Orphans' Court, upon praecipe of the appellee, shall order a judgment of non pros.

10.2.4 Certified Cases.

When a certification of a dispute has been made by the Register of Wills to the Orphans' Court Division under PEF Code § 907, the Court will determine whether pleadings will be required.

10.2.5 Jury Trial.

A person entitled to and desiring a trial by jury, shall make timely demand therefore in accordance with the PEF Code.

10.2.6 Depositions, Discovery, Production of Documents and Perpetuation of Testimony.

The practice relating to depositions, discovery, production of documents and perpetuation of testimony shall conform to the practice prescribed by Rules 3.6.1 and 3.6.2.

10.2.7 Exceptions.

The practice relating to exceptions shall conform to the practice prescribed by Rule 7.

10.2.8 Subpoenas.

Subpoenas, with or without a clause of duces tecum, shall be issued by the Clerk.

10.2.9 Action Upon Default.

If the respondent in any action fails to comply with the requirements of any citation or notice, the Court, upon proof of service thereof, shall make such Order as may be just and necessary.

10.2.10 Enforcement of Decrees.

(a) *Applications for Enforcement, Procedure.* All applications to enforce a decree or adjudication for the payment of money or costs or for the delivery of any goods, chattels, or other assets of an estate by a fiduciary or surety, shall be by petition of the person or persons entitled thereto, briefly setting forth the facts. If the application is satisfactory to the Court, an Order will be granted to pay or transfer, assign or deliver, as the case may be.

(1) *Service.* If possible, a copy of the Order, certified by the Clerk or counsel, must be served upon the respondent personally at least ten (10) days prior to the day specified therein. If such service is not possible, service may be made as required of a citation by PEF Code § 765.

(b) *Writ of Attachment.* If the Order of Court is not complied with on or before the day specified, upon proof of service of the order as required of a citation by Section 765, PEF Code, 20 Pa.C.S.A. Section 765, and upon

petition setting forth the necessary facts, a writ of attachment of the person will be awarded.

(c) *Sequestration.* If an Order to pay or transfer, assign or deliver has not been complied with on or before the date specified in such Order, upon proof of service of the Order upon a fiduciary or surety in the manner required for the service of a citation by PEF Code § 765, or upon proof of service of notice of such Order as provided in Section 768 of said Code, and upon petition setting forth the necessary facts, the Court may direct sequestration of real or personal property or attachment execution.

Rule 12

Special Petitions

12.0.1 Settlement of Small Estates.

(a) Form of Petitions. Contents.

Petitions under PEF Code § 3102, as amended for the settlement of small estates shall set forth:

(1) The name and address of the petitioner and the relationship of the petitioner to the decedent.

(2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the dates of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount.

(3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under PEF Code § 3101 and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.

(4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of decedent's death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) An itemization of all paid administrative costs, funeral expenses, debts and distributions, and of assets then remaining for distributions.

(7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) That ten (10) business days' written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown.

(9) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares, and requesting the discharge of the personal representative and the release of surety, if letters have been granted and advertised.

(b) Required Exhibits.

The following exhibits shall be attached to the petition:

(1) The original of the decedent's Will, if it has not been probated.

(2) Joinders of unpaid beneficiaries, heirs and claimants insofar as they are obtainable.

(3) A statement from the inheritance tax department showing the status of the inheritance tax, if any tax is due.

(4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition.

(5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

12.1.1 Family Exemption. Additional Requirements.

A petition for the family exemption shall also set forth in separate paragraphs:

(a) The name, residence and date of death of the decedent;

(b) The name, address and relationship of the petitioner to the decedent, and whether the petitioner was a member of the same household as the decedent at the date of decedent's death;

(c) The name of the spouse, if any, and whether the spouse forfeited spousal rights;

(d) Whether the decedent died intestate or testate, and the date of the appointment of the fiduciary, if any;

(e) The description and value of the property claimed;

(1) If an inventory has been filed, the petition shall set forth the value of the property claimed as fixed in the inventory.

(2) If it is not included in the inventory, an appraisal or written confirmation of the value of the property as of the date of death must be attached to the petition, unless the property claimed consists of personal property in the form of cash, bank accounts or government bonds whose value is ascertainable from its face; and

(f) That ten (10) business days' prior notice of intention to present the petition at a stated regular session of Motion Court has been given to the personal representatives, or when no letters have been granted, to the parties adversely affected. The ten (10) days' notice requirement shall not be required in the case of a petition filed by a surviving spouse, nor shall ten (10) days' notice be required if the petition contains consents executed by all other parties in interest.

(g) The family exemption petition may be included in a petition for settlement of small estates.

12.5.1 Minor's Estate. Appearance Before the Court. Minor over Fourteen.

A minor over the age of fourteen (14) shall appear in person at the presentation of the petition for appointment of guardian. If the minor is unable to appear in person, the reason for the minor's absence shall be set forth in the petition.

12.5.2 Minor's Estate. Restricted Account.

(a) No guardian shall exercise any authority under his appointment until the guardian shall have filed and had approved by the Court a bond in an amount directed by the Court, except where the guardian is a corporate fiduciary authorized to act as such under applicable law.

(b) In lieu of bond, the Court may authorize the guardian to deposit the cash in a federally insured interest bearing account or a money market or cash

management account guaranteed by the Security Investors Protection Corporation, with the restriction, "Not to be withdrawn prior to the minor's attainment of the age of eighteen (18) except on Order of Court." Proof of such deposit shall be presented to the Clerk of the Orphans' Court within thirty (30) days.

12.5.3 Minor's Estate Not Exceeding Amount Established by PEF Code.

(a) *Disposition. In General.* If the value of the real and personal estate of a minor does not exceed the amount established by the PEF Code, the Court may:

(1) Authorize payment or delivery thereof to the minor, or the parent or other person maintaining the minor; or

(2) Direct the deposit of the money in a restricted account or accounts, in the name of a natural guardian of the minor, or of the minor alone; or

(3) Make such provision for the retention or deposit of securities or other assets, as the Court shall deem for the best interests of the minor.

(b) *Mortgage or Sale of Real Property.* If the entire estate of a minor does not exceed the amount established by the PEF Code, the Court, upon petition, may authorize the parent or other person maintaining the minor to convey or mortgage any real property forming a part or all of such estate, without the appointment of a guardian or the entry of security. The petition shall conform to the requirements of the Rules governing the sale or mortgage of real property by a guardian. The Order of the Court may be conditioned upon the deposit of the proceeds of the sale or mortgage in a restricted account or accounts.

12.5.4 Minor's Estate. Allowance.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(a) The manner of the guardian's appointment and qualification, and the dates thereof;

(b) The age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, and the name and age of the minor's spouse and children, if any;

(c) The value of the minor's estate, real and personal, where located and the net annual income;

(d) The circumstances of the minor, whether employed or attending school; and, if the minor's parents are living, the reason why the parents are not discharging their duty of support;

(e) The date and amount of any previous allowance by the Court;

(f) The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary; including whether there is adequate provision for the support and education of the minor, spouse and children.

(g) If the petition is presented by someone other than the guardian, that demand was made upon the guardian to act, and the reason, if known, for the guardian's failure to do so.

12.6.1 Appointment of Trustee. Exhibits.

The following exhibits shall be annexed to the petition:

(a) A copy of the trust instrument;

(b) The consent by the proposed trustee to act as such; and

(c) Any consents or joinders of parties in interest.

12.6.2 Appointment of Successor Co-Trustee.

When the governing instrument requires two or more co-fiduciaries and one is unable to serve for any reason, it shall be the obligation of the other fiduciary to petition the Court for the appointment of a successor co-fiduciary.

12.7.1 Discharge of a Personal Representative. PEF Code § 3531.

When the gross real and personal estate of a decedent does not exceed the amount established by statute, the personal representative, after the expiration of one year from the grant of letters, may present a petition to the Court with an account attached under the provisions of PEF Code § 3531. The petition shall conform as far as practicable to the requirements of a petition for settlement of a small estate under the provisions of PEF Code § 3531.

12.9.1 Public Sale. Contents of Petition. Additional Requirements.

(a) *Personal Representative.* A petition by a personal representative to sell real property at public sale, under Section 3353 of the PEF Code shall set forth in separate paragraphs:

(1) The name, residence and date of death of the decedent, whether the decedent died testate or intestate and the date of the grant of letters;

(2) That the personal representative is not otherwise authorized to sell by the PEF Code; or is not authorized or is denied the power to do so by the Will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) Whether an inventory and appraisal have been filed, the total value of the property shown therein; and the value at which the real property to be sold was included therein;

(4) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;

(5) The names and relationships of all parties in interest; a brief description of their respective interests; whether any of them are minors, adjudicated incapacitated or deceased, and, if so, the names and the record of the appointment of their fiduciaries, if any;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value (40% county tax assessment x common level ratio factor); and

(7) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) *Trustee.* A petition by a trustee to sell real property at public sale, under PEF Code § 3353, shall also set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed;

(2) A recital of the relevant provisions of the Will or deed pertaining to the real property to be sold, and the history of the trust;

(3) The names and relationships of all parties in interest; a brief description of their respective interest; whether any of them are minors, adjudicated incapacitated or deceased, and if so, the names and record of appointment of their fiduciaries, if any;

(4) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value (40% county tax assessment x common level ratio factor);

(5) That the trustee is not otherwise authorized to sell by the PEF Code, or is denied the power by the trust instrument; or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(6) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(c) *Guardian of Minor.* A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs:

(1) The age of the minor;

(2) The names of the minor's next of kin and the notice given them of the presentation of the petition;

(3) How title was acquired, stating the date and place of probate of Will or recording of the deed;

(4) A recital of the provisions of the Will or deed relating to the real property to be sold;

(5) The nature and extent of the interest of the minor, of the guardian and of third persons in the real property;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value (40% county tax assessment x common level ratio factor); and

(7) Sufficient facts to enable the Court to determine that the proposed sale will be in the best interest of the minor.

(d) *Guardian of Incapacitated Person.* A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs the same information as required for the sale by a guardian of a minor with sufficient additional facts to enable the Court to determine that the proposed sale will be in the best interest of the incapacitated person.

12.9.2 Public Sale. Exhibits.

The following exhibits shall be attached to the petition by a personal representative, trustee or guardian, to sell real property at public sale:

(a) Certification that ten (10) business days' notice has been given to those parties who do not consent or join; and

(b) Consent by any mortgagee whose lien would otherwise not be discharged by the sale.

12.9.3 Public Sale of Real Property. Notice. Confirmation.

(a) *Notice.* After the allowance of a petition for public sale, notice in approved form of the proposed sale shall be given in the manner provided by Local Rule 5.1.1.

(b) *Confirmation.* If no objection is filed, the Court may enter a decree confirming the sale upon submission of a return of sale as provided by Local Rule 5.4.2.

12.9.4 Public Sale. Security.

On the return day of the sale, the Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter, or will excuse the fiduciary from entering additional security.

12.10.1 Private Sale. Contents of Petition. Additional Requirements.

Where the power to sell real property is not granted by the will, trust instrument or statute, a petition by personal representative, trustee or guardian, to sell real property at private sale shall also conform as closely as practicable to all requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary.

12.10.2 Private Sale. Exhibits.

Personal Representative. Trustee. Guardian. The following exhibits shall be attached to the petition by a personal representative, trustee or guardian to sell real property at private sale:

- (a) Certification that ten (10) business days notice has been given to those parties who do not consent or join; and
- (b) A copy of the agreement of sale; and
- (c) Affidavits in the form required by State Rule 12.10(b) unless otherwise ordered by the Court.

12.10.3 Private Sale. Higher Offer.

Any person desiring to make a substantially higher offer for real property offered at private sale may do so at the time the petition of the fiduciary for leave to make such private sale is presented to the Court, whereupon the Court will make such Order as it deems advisable under the circumstances.

12.10.4 Private Sale. Security.

The Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter, or will excuse the fiduciary from entering additional security.

12.10.5 Petition to Fix or Waive Additional Security. Personal Representatives.

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative acting without benefit of an Order of Court directing or authorizing such sale, but who was required to give bond, the personal representative shall present a petition to the Court before the proceeds of the sale are paid by the purchaser, setting forth:

- (1) The date of death of the decedent;
- (2) The date of the grant of letters to the petitioner;
- (3) The amount of the bond or bonds filed by the petitioner, the date of such filing and the name or names of the surety;
- (4) The total valuation of the personal estate as shown in the inventory and appraisal, if any; and the total proceeds of any real estate sold previously;
- (5) A short description of the real property sold, the name of the purchaser, the amount of the consideration to be paid and the terms of the sale;
- (6) A list of all liens of record known to petitioner, including mortgages, delinquent taxes, judgments, etc., and the names and relationships of all parties in interest; with a brief description of their respective interests; and
- (7) A prayer for an Order fixing the amount of additional security or for an Order excusing the filing of additional security.

(b) *Surety on Additional Bond.* The surety on any additional bond, except for cause shown, shall be the same as on the original bond.

12.11.1 Mortgage of Real Property. Additional Requirements.

(a) *Contents of Petition.* A petition to mortgage real property by a personal representative, trustee or guardian, shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed mortgage loan; and shall set forth sufficient facts to enable the Court to determine whether the proposed mortgage should be approved.

(b) *Exhibits.* There shall be attached to the petition certification that ten (10) business days' notice has been given to those parties who do not consent or join.

12.12.1 Inalienable Property.

In addition to the requirements of PEF Code Chapter 83 and State Rule 12.12, in the case of

(a) *Public Sale.* The content of the petition, required exhibits, notices, confirmation and security shall conform to the requirements of Rule 12.9.1 through 12.9.4.

(b) *Private Sale.* The content of the petition, required exhibits, provisions as to higher offers, security and petitions to fix or waive additional security shall conform to the requirements of Rule 12.10.1 through 12.10.5.

(c) *Mortgage.* The content of the petition, required exhibits, notices and action on security shall conform to the requirements of Rule 12.11.1.

12.12.2 Notice. Discretion of Court.

If it appears that all parties having a present or potential interest may not have been identified or served with notice, the Court shall have discretion to issue a citation and require such additional notice as it deems appropriate.

12.12.3 Inalienable Property. Real Estate or Fiduciaries in Other Counties.

(a) Fiduciaries whose appointments originated in this county shall obtain leave of this Court to petition the Court of another county of this Commonwealth, under the Inalienable Property Act, to sell or mortgage real property located in that county. Such leave may be obtained by petition to this Court setting forth briefly the substantial averments of a petition for the sale or mortgage of real property.

(b) Fiduciaries whose appointments originated in other counties of this Commonwealth shall obtain leave of the Court of their appointment to petition this Court under Inalienable Property Act to sell or mortgage real property located in this County. The petition to this Court shall comply with the provisions of these Rules with regard to the sale or mortgage of real property and shall include, as exhibits, copies of the petition and of the decree of the Court of origin.

Rule 13

Distribution—Special Situations

13.3.1 Unknown Distributee. Contents of Report.

If it appears that the identity or whereabouts of a distributee is unknown, or there are no known heirs, the fiduciary shall submit a written report at the time of the filing of the audit or petition to settle a small estate, verified by affidavit of the fiduciary or his counsel, in

which shall be set forth the nature of the investigation⁶ made to locate the heirs of the decedent, in complete detail.

Rule 14
Incapacitated Persons

14.1.1 Procedure.

(a) All petitions or motions requiring a hearing shall first be submitted along with a motion cover sheet, proposed Order for scheduling hearing and proposed final decree to the Family/Orphans' Court Administrator at such times as provided in Erie County Civil Rule 304 for assignment of a hearing date.

(1) Upon the assignment of a hearing date by the Family/Orphans' Court Administrator, the original Petition or Motion and one copy shall be filed with the Clerk of the Orphans' Court. A copy shall also be given to the Family/Orphans' Court Administrator.

(2) All other pleadings not requiring a hearing shall be filed directly with the Clerk of the Orphans' Court.

(b) Emergency petitions requiring the immediate attention of the Court shall be presented to the Family/Orphans' Court duty judge.

(c) The petitioner shall provide a copy of the petition and any Orders or proposed Orders to the Clerk of the Orphans' Court who shall prepare and attach a Citation and Notice as required by PEF Code § 5511(a).

(d) The petition and citation shall be served personally upon the alleged incapacitated person by the Orphans' Court Investigator. The petitioner shall serve a notice of the petition and hearing by first class mail to the following persons:

(1) All persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at the time;

(2) The person or institution providing residential services to the alleged incapacitated person;

(3) Any attorney in fact under a durable power of attorney;

(4) Such other parties as the Court may direct.

14.2.1 General Practice and Procedure.

(a) *Petition Contents.* A Petition to adjudicate a person incapacitated and for the appointment of a guardian shall contain all of the information required by PEF Code § 5511(e) and State Rule 14.2 and shall also include the following additional information:

(1) Whether the alleged incapacitated person executed a durable Power of Attorney and the name and current address of the attorney in fact.

(2) Whether the alleged incapacitated person executed a Will or other testamentary document and the location of the original document.

(3) Whether the alleged incapacitated person executed a living will, advance health care directive or similar document and the location of the original document.

(b) *Notice of Representation.* The petitioner shall notify the Court in writing at least seven (7) days prior to the hearing whether counsel has been retained by or for the

alleged incapacitated person. If counsel has been retained, the petitioner shall provide the name, address and telephone number of counsel.

(c) *Evidence.* The evidence presented may be in accordance with PEF Code § 5518 as provided in the form affidavit provided by the Clerk of the Orphans' Court.

(d) *Presence of Alleged Incapacitated Person.* The alleged incapacitated person shall be present at the hearing unless:

(1) The Court is satisfied, upon the deposition or testimony of or sworn statement [as provided by the form adopted by the Clerk of the Orphans' Court] by a physician or licensed psychologist, that the alleged incapacitated person's physical or mental condition would be harmed by being present at the hearing; or

(2) It is impossible for the alleged incapacitated person to be present because of absence from the Commonwealth.

14.2.3 Proof of Service.

Prior to the hearing, the petitioner shall file an affidavit or verification that the proper service of notice of the petition and hearing was made to all parties listed in the petition and to any other parties required by the Court to be notified.

14.2.4 Emergency Guardianships.

(a) A petition for emergency guardianship under PEF Code § 5513 may be filed by separate petition or with a petition for appointment of a permanent guardian. Reasons for the need for emergency guardianship shall be clearly set forth in the petition.

(b) Notice to the alleged incapacitated person and other interested persons of the petition and hearing shall be required unless it appears to the Court not to be feasible under the circumstances. It shall not be necessary for a citation to issue or be served on the alleged incapacitated.

(c) The emergency guardian of the estate shall account to the Court for all funds it receives and expends during its appointment as emergency guardian.

(d) At the hearing for the appointment of emergency guardian the provisions of PEF Code § 5518, regarding medical testimony, shall apply.

(e) The emergency appointment may be continued by the Court until the final disposition of the petition for determination of incapacity.

14.2.5 Post Adjudication Duties.

(a) *Annual report.* Within one year from the date of the appointment, and annually thereafter or otherwise as the Court may direct, the guardian shall file a periodic report in a form approved by the Court.

(b) *Final Accounting.* Upon the death of an incapacitated person, upon an adjudication of capacity or as the Court may require, the practice and procedure with regard to the filing and auditing of accounts as well as distribution of assets comprising the estate of a person who has been adjudicated incapacitated shall conform with the practice and procedures governing trustees' accounts and small estates.

(c) *Additional Assets.* If, upon the filing of the Inventory, or any time thereafter, it appears that the value of the estate which has, or is about to, come into the possession and/or control of the guardian, exceeds the amount set forth on the original petition by \$10,000 or

⁶ The term "investigation", as used in this Rule, shall include inquiry of or to as many of the following as may be pertinent and feasible: residents of the household in which the decedent resided; friends and neighbors; beneficial organizations; insurance records; church membership, school records; social security, Veterans' Administration or military service records; naturalization records, if not native born; and such other sources of information as the circumstances may suggest.

more, the guardian shall notify the Court which may determine whether additional security is necessary.

(d) *Testamentary Writings, Living Wills and Advance Health Care Directives.* The original and a copy of the will or other testamentary writing and any living will or advance health care directive of the incapacitated person shall be submitted to the Court for inspection as soon as possible following the hearing or, in any event, no later than the date set for the filing of the Inventory. The Court shall compare the copy with the original, retain the copy, and return the original to the guardian.

14.2.6 Modification of Guardianship.

The guardian, incapacitated person or other interested party may petition the Court for review of the guardianship as follows:

- (a) When the incapacitated person has regained capacity;
- (b) Where there has been a significant change in the ward's capacity;
- (c) Where there is a significant change in the need for guardianship services;
- (d) Upon request for the appointment of a successor guardian;
- (e) For any other good cause shown.

14.3.1 Adjudication of Capacity.

(a) A petition to adjudicate that a person previously adjudged incapacitated has regained capacity shall set forth:

- (1) The date of the adjudication of incapacity;
 - (2) The name and address of the guardian;
 - (3) If the incapacitated person has been a patient in a mental hospital, the name of the institution, the date of admission and the date of discharge;
 - (4) The present address of the incapacitated person and the names of all persons residing in the same household.
 - (5) The names and addresses of the next of kin of the incapacitated person;
 - (6) An averment that the mental health of the incapacitated person has been restored; and,
 - (7) A request that the guardian be directed to file an account or other final report as the Court may require.
- (b) *Proof of Service.* Proof of service of notice of the hearing to all parties in interest shall be presented at the time of the hearing.

Rule 15 Adoption

15.1.1 Procedure.

(a) All Petitions or Motions requiring a hearing including those pertaining to Adoptions, Involuntary Terminations, Voluntary Relinquishments and Confirmation of Consent shall first be submitted to the Family/Orphans' Court Administrator at such times as provided in Erie County Civil Rule 304 for assignment of a hearing date.

(b) Upon the assignment of a hearing date the original Petition or Motion shall be filed with the Clerk of the Orphans' Court and a copy of the Order setting the date of the hearing shall be given to the Family/Orphans' Court Administrator.

(c) All other pleadings not requiring a hearing shall be filed directly with the Clerk of the Orphans' Court.

(d) Any Motion or Petition requiring immediate attention of the Court shall be presented at Family/Orphans' Court Motion Court, with notice to all parties as required by Erie County Civil Rule 440.

15.4.1 Involuntary Termination of the Parental Rights of a Putative Father Whose Identity or Whereabouts Cannot be Ascertained.

The parental rights of a natural or putative father whose identity or whereabouts cannot be ascertained must be terminated by an involuntary termination proceeding prior to approval of a final adoption.

(a) The involuntary termination petition must aver that the natural mother does not know the identity or whereabouts of the natural or putative father, must include his last known address, if known, and must also specify all attempts made by the Petitioner to determine the correct identity of the natural or putative father.

(b) Notice of the involuntary termination petition and hearing shall be served on the natural or putative father by publication in the form and manner approved by the Court following presentation of a separate Motion for Service by Publication and Affidavit of Diligent Search as required by Pa.R.C.P. 430.

(c) Publication shall include, as a minimum, the contents of the citation attached to the Involuntary Termination Petition. Proof of publication shall be submitted to the Court prior to hearing.

(d) Exceptions to an Involuntary Termination Decree must be filed within ten (10) days of the filing of the Decree pursuant to Rule 7.

15.4.2 Petition to Terminate Putative Father's Rights Under § 2503(d) and § 2504(c).

(a) *Contents.* A Petition to terminate a putative father's rights under 23 Pa.C.S.A. Section 2503(d) or 2504(c) shall contain the following:

- (1) The names and addresses of the Petitioners;
- (2) The names and addresses of the birth parents and the putative father;
- (3) The date the child was relinquished to an agency or to an adult intending to adopt the child, the date that a report of intention to adopt was filed, and the date of any proceedings to terminate the parental of the birth parents, including voluntary relinquishment, involuntary termination, or confirmation of consent;
- (4) A statement of any further proceedings pending in the adoption; and
- (5) The certification from the Pennsylvania Department of Vital Statistics pursuant to 23 Pa.C.S.A. § 5103 showing that no claim of paternity has been filed.

(b) Procedure.

(1) Upon presentation of a Petition to Terminate putative father's rights under 23 Pa.C.S.A. §§ 2503(d) or 2504(c), the Family/Orphans' Court Administrator shall schedule a hearing, which shall not be less than ten (10) days after the filing of the petition.

(2) Notice shall be provided in the form provided in 23 Pa.C.S.A. § 2513(b), and service shall be as provided in State Rule 15.6.

(3) Notice shall be given to the birth parents and putative father, and to the parents or guardians of a birth parent or putative father who has not reached age 18.

(4) Following hearing, the Court shall issue such decree as clearly sets forth that the parental rights of the putative father are terminated.

(5) A Petition to Terminate Putative Father's Rights may be brought in the name of the attorney for the adopting parents.

15.5.1 Consents to Adoption and Petition to Confirm Consent to Adoption.

All written consents to adoption must be confirmed by Court prior to the entry of a final Adoption Decree.

(a) *Form of Petition. Contents.* The Petition to Confirm Consent shall include the following:

- (1) The names and addresses of the petitioners;
- (2) The names and addresses of the birth parents;
- (3) The date the child was relinquished to an agency or to an adult intending to adopt the child, the date that a report of intention to adopt was filed, and the date the consent to adoption was signed by the birth parent or parents. The original consent shall be attached to the petition or shall be part of prior pleadings; and

(4) A statement of any further proceedings pending in the adoption.

(b) *Procedure.*

(1) A Petition to Confirm Consent to Adoption may be filed no less than forty (40) days after a written consent has been signed by a birth parent.

(2) Upon presentation of a Petition to Confirm Consent to Adoption, the Family/Orphans' Court Administrator shall schedule a hearing, which shall not be less than ten (10) days after filing of the Petition.

(3) Notice shall be in the form provided in 23 Pa.C.S.A. Section 2513(b), and service shall be as provided in State Rule 15.6. Notice shall be given to the birth parents and putative father, if applicable, and to the parents or guardians of a consenting parent who has not reached age 18.

(4) Following hearing, the Court shall issue such decree as clearly sets forth that the consent to adoption is confirmed and that all rights of the consenting birth parent are terminated.

(5) A Petition to Confirm Consent may be brought in the name of the attorney for adopting parents.

(c) *Step Parent Adoption. Petition.*

(1) Contents. In the case of a step-parent adoption, a Petition to Confirm Consent may be included with the filing of a Petition for Adoption.

(A) Separate Decrees for the Confirmation of the Consent and for the Adoption must be provided.

(B) In addition to the inclusion of all information and averments needed for an adoption petition, all information and averments required for a Petition to Confirm Consent under 23 Pa.C.S.A. § 2504 and Local Rule 15.5.1. must be included in the petition.

(c) Notice of the hearing must be given to the natural parent in accordance with 23 Pa.C.S.A. Section 2513(b) and service shall be made as provided in State Rule 15.6.

(d) *Procedure.*

(1) At the hearing to confirm consent to adoption, or at the adoption hearing if the alternate procedure under Local Rule 15.5.1(c) is followed, the Court shall review the circumstances surrounding the execution and submission of all written consents to adoption. The Petitioners to the adoption shall present such information as may be necessary to allow the Court to review the execution of the consent, and to determine its validity. The Court shall then enter an Order confirming or rejecting the written consent to adoption.

(2) In the case of a step-parent adoption, the Court may then continue to take testimony as to the adoption itself but shall delay signing of the actual decree until at least ten (10) days after the date of the confirmation of consent.

[Pa.B. Doc. No. 98-1940. Filed for public inspection November 27, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 50]

Construction of Prisons, Jails, Reformatories and Houses of Correction

The Department of Labor and Industry (Department), by this order, amends § 50.1 (relating to occupancy groups). The amendment is adopted under section 15 of the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235) (act).

Notice of proposed rulemaking was omitted under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204) (CDL).

Section 50.1 and the act were adopted to assure that prisons, jails, and the like conform to National firesafety standards.

Contact Person

For further information, the contact person is James Varhola, Administrator of Technical Assistance, Bureau of Occupational and Industrial Safety, Room 1520, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120 (717) 787-3329.

Regulatory Review

Under section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), on July 27, 1998, the Department submitted a copy of the final-form regulation to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. On the same date, the final-omitted regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, on August 17, 1998, this final-omitted regulation was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on August 27, 1998, IRRC met and approved the final-omitted regulation.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202), are unnecessary.

(2) Public notice of intention to adopt the final-form regulation has been omitted under section 204 of the CDL and the regulation thereunder, 1 Pa. Code § 7.4.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 50, are amended by amending § 50.1 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and

the Office of Attorney General for approval as to form and legality as required by law.

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

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

JOHNNY J. BUTLER,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4683 (September 12, 1998).)

Fiscal Note: 12-51. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART I. DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 50. GENERAL REQUIREMENTS—BUILDINGS

OCCUPANCY GROUP

§ 50.1. Occupancy groups.

(a) *Class of building.* The Department will classify each building into one or more of the following occupancy groups according to the building use and the characteristics of the occupants.

(b) *Group A—Assembly.* Buildings primarily used or designed for the purpose of assembly of persons for amusement, entertainment, worship, transportation, recreation, sports, military drilling, dining or similar purposes shall be classified as Group A—Assembly Occupancies. Group A is divided into the following division:

<i>Division</i>	<i>Capacity</i>
A-1 (Chapter 51)	501 or more
A-2 (Chapter 52)	101 thru 500
A-3 (Chapter 53)	4 thru 100

(c) *Group B—Educational.* Buildings primarily used or designed for the purpose of education or instruction shall be classified as Group B—Educational Occupancies. Schools for business or vocational training shall be classified in the same occupancies and conform to the same requirements as the trade, vocation or business being taught. Nursery schools, day care centers, group day care homes and the like shall be classified as B occupancies. However, they may be housed in a building which has an A, C-1 or C-2 occupancy permit without submission of plans or approval as a B occupancy. Group day care homes and family day care homes may use the C-3 regulations for occupancies of eight or less children without a B occupancy approval. See Chapter 54 (relating to Group B—Educational).

(d) *Group C—Group habitation.* Buildings primarily used or designed for the purpose of habitation by four or more persons shall be classified as Group C—Group Habitation. Group C is divided into the following divisions:

(1) *Division C-1.* Health care institutions include buildings that provide sleeping facilities for four or more persons who are mostly incapable of self-preservation because of physical or mental illness or disease, or

persons convalescing from physical or mental illness or disease. Hospitals, sanitariums, nursing homes, convalescent homes, rest homes, and the like shall be classified as health care institutions. Personal care homes licensed by the Department of Public Welfare will not be considered health care institutions. Health care institutions shall comply with the following:

(i) Health care institutions which have plans approved by the Department after May 19, 1986, shall comply with NFPA-101, Life Safety Code, 1985 Edition published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(ii) Health care institutions or portions of health care institutions which have had plans approved by the Department from June 1, 1976, to May 19, 1986, shall be considered in compliance with this chapter as long as compliance is maintained in accordance with the provisions in force on the date of approval by the Department.

(iii) Health care institutions or portions of health care institutions which complied on May 31, 1976, with the requirements of NFPA-101, Life Safety Code, 1967 Edition will be considered in compliance with this chapter as long as compliance is maintained in accordance with NFPA-101, Life Safety Code, 1967 Edition published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(iv) Plan approval and field inspections for health care institutions, Division C-1, are conducted by the Department of Health.

(2) *Division C-2.* This division applies to a building, or a part thereof, where the occupants are in group habitation and are not included under Division C-1, C-3, C-4 or C-5. Hotels, apartment buildings, multiple dwellings, dormitories, lodging houses, orphanages, children's residential institutions, large personal care homes, group homes, group foster homes, and the like, shall be in this classification. See Chapter 55 (relating to Division C-2).

(3) *Division C-3.* This division applies to a building which only has a single living unit where four through eight residents are in group habitation. Small personal care homes, dormitories, lodging houses, orphanages, children's residential institutions, group homes, group foster homes, and the like having four through eight residents shall be in this classification. See Chapter 56 (relating to Division C-3).

(4) *Division C-4.* This division applies to apartment units which qualify for a single means of egress. See Chapter 57 (relating to Division C-4).

(5) *Division C-5.* This division applies to a building, or a part thereof, where the occupants are in group habitation, and are mostly incapable of self-preservation, because they are under restraint. Prisons, jails, reformatories, houses of correction and the like shall be in this classification. C-5 occupancies which have plans approved on or after November 30, 1998, shall comply with Chapters 3, and 14, and all other sections specifically referred to in Chapters 3 and 14 of NFPA-101, Life Safety Code, 1997 Edition published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(e) *Group D—Commercial, Office, Industrial.* Buildings primarily used or designed for the purpose of commercial, storage, office or other like purposes shall be classified as Group D—Commercial, Office, Industrial Occupancies. Group D is divided into the following divisions:

(1) Division D-O (ordinary occupancy) includes occupancies involving the manufacture, assembling, warehousing, use, sale or storage of combustible but not highly flammable products and materials and buildings used for offices and the like. See Chapter 58 (relating to Division D-O).

(2) Division D-H (hazardous occupancies) includes occupancies involving highly combustible, explosive or unstable products or materials that constitute a special fire, life or toxic hazard because of the forms, characteristics or volume of the materials used. A building, structure or a part thereof used for storage, warehousing, manufacturing, processing, use or sale of highly combustible products or materials, including the following and those of equal fire and life hazard shall be classified under D-H hazardous occupancies. See Chapter 59 (relating to Division D-H).

(i) Chemicals which pose serious flame or explosive hazards upon coming into contact with water or moisture, such as aluminum powder, calcium carbide, red phosphorous, metallic sodium, metallic potassium, sodium peroxide, calcium phosphide, yellow phosphorous and metallic magnesium powder.

(ii) Processes which produce dust, lint or other particles or matter liable to instantaneous ignition or explosion.

(iii) Ammonia, chlorine, phosgene, carbon bisulphide and other toxic irritants or corrosive and fume hazard gases such as acetylene, ether, ethyl chloride, ethylene, liquified hydrocarbons, ethyl chloride gas and similar gases.

(iv) Naptha, ether, benzol, styrene, butadiene, collo-dion, ethyl, acetate, amyl acetone, amyl alcohol, kerosene, turpentine, petroleum paint, including paint mixing and spraying rooms, varnish, dryer, gasoline, alcohol, oil in bulk quantities and similar highly inflammable liquids. Paint spray booth approved by the Department will be classified as D-O occupancies.

(v) Manufacture and processing of imitation leather, paint and other pyroxylin products.

(vi) Storage of nitrocellulose, or products composed in whole or in part of nitrocellulose or similar flammable materials, such as films, combs, pens.

(vii) Hydrochloric, nitric, sulphuric and hydrofluoric acids.

(viii) Asphalt, tar pitch, resin, waxes and fats, either alone or combined with other materials.

(ix) Flammable fibrous materials such as hay, straw, broomcorn, hemp, tow, jute, sisal, excelsior, kapok, oakum, and the like.

(x) Processing or storing of artificial flowers, matches, mattresses, rubber, cork, brooms, carpet linings, paper, pasteboard, feathers, cotton, including cotton rag sorting rooms, shoddy mills, oil refineries, distilleries, sugar refineries, cereal, flour, grist and starch mills, rendering plants, drying rooms, and occupancies of equal fire and life hazard.

[Pa.B. Doc. No. 98-1941. Filed for public inspection November 27, 1998, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF AUCTIONEER EXAMINERS [49 PA. CODE CH. 1] Biennial Renewal Fees

The State Board of Auctioneer Examiners (Board) amends Chapter 1 by adding § 1.41 (relating to schedule of fees) and amending §§ 1.23 and 1.26 (relating to auctioneer licensure examination; and application for auction house and auction company licenses) to read as set forth in Annex A.

The amendments raise the biennial renewal fee for auctioneers, apprentice auctioneers, auction houses and auction companies for the upcoming biennial renewal. The current biennial period expires on February 28, 1999. The biennial renewal fee for apprentice auctioneers increases from \$30 to \$100 and the biennial renewal fees for auctioneers, auction companies and auction houses increase from \$50 to \$200.

A. Effective Date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

Section 6(a) of the Auctioneer and Auction Licensing Act (act) (63 P.S. § 734.6(a)), requires the Board to establish fees by regulation. Section 6(b) of the act, requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

C. Purpose and Need for the Amendments

The current biennial renewal fees for auctioneer licensees have not been increased since 1978 when they were established in the Bureau of Professional and Occupational Affairs Fee Act (Fee Act) (63 P.S. § 1401-203). From FY 1985-86 to FY 1995-96, the Board's revenues were in sufficient balance to meet expenditures. At the end of FY 1995-96, the balance in the Board's operating account was \$160.85. In FY 1996-97, the Board incurred a deficit of \$110,401.62. The fee increases will recapture the \$110,401.62 deficit carried forward from the 1995-97 biennial renewal period and prevent continuing deficits in future cycles.

D. Description of Amendments

Section 1.41 incorporates all fees and is conveniently located. Existing fees for the examination, auction license, auction company license and special auction license are relocated from §§ 1.23 and 1.26 and 63 P.S. § 1401-203(8), and reestablished in § 1.41.

The following chart compares the new and existing fees:

Category	Proposed	Current
Examination	\$ 87	\$87 (Moved from 49 Pa. Code § 1.23)
License—Auctioneer	\$ 50	\$50 63 P.S. § 1401.203(4)

Category	Proposed	Current
Biennial Renewal	\$200	\$50 63 P.S. § 1401.203(6)
License—Apprentice Auctioneer	\$ 30	\$30
Biennial Renewal	\$100	\$30 63 P.S. § 1401.203(7)
License—Auction House and Auction Company	\$ 50	\$50 (Moved from 49 Pa. Code § 1.26)
Biennial Renewal	\$200	\$50
Special License	\$200	\$200 63 P.S. § 1401.203(8)

E. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 28 Pa.B. 1559 (March 28, 1998). Based on current fees, the Board is projected to have a deficit of \$235,191.62 on June 30, 1998, \$263,611.62 on June 30, 1999, and \$409,211.62 on June 30, 2000. Renewal fees have not been raised since 1978.

Biennial revenues for the Board have remained relatively constant. In contrast, expenditures over the past 4 fiscal years have increased by an average of 12.41% per year and are expected to increase by at least 3% per year in continuing years. Because revenues were insufficient, expenditures accumulated in any fiscal year were transferred (or rolled) to the next fiscal year, beginning in FY 1994-95. Expenditures continued to accumulate and produce an increasing deficit in successive years. A fee increase was required to cover the deficit and produce sufficient revenue to support the Board's expenses.

The Board received comments from the House Professional Licensure Committee and the Independent Regulatory Review Commission (IRRC) requesting a breakdown of the individual expense categories and how they are projected to increase. In response to this request, the Board is providing a breakdown on cost center expenses and projected increases as an attachment to the Regulatory Analysis Form.

The Board anticipates that with the implementation of the increase it will not be necessary to increase renewal fees again for at least three biennial renewal periods. Increased revenues will result in the Board having a closing balance of \$86,208.48 on June 30, 1999, and a deficit of \$59,391.52 on June 30, 2000. The Board's closing balance will rise to \$252,008.48 on June 30, 2001, and \$96,408.48 on June 30, 2002.

IRRC recommended that §§ 1.23(b) and 1.26(a)(2) and (b), which refer to the "required fee," be amended to include cross references to the schedule of fees in § 1.41. The Board has considered this recommendation, but believes that cross references in this instance are unnecessary due to the visibility of an entire section devoted to fees alone, entitled, schedule of fees.

F. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the amendments, the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent auction professionals.

G. Fiscal Impact

The amendments will increase the biennial renewal fees for apprentice auctioneers, auctioneers, auction houses and auction companies in this Commonwealth. The cost per license is \$75 annually. The increase in renewal fees should have no other fiscal impact on the private sector, the general public or political subdivisions.

H. Paperwork Requirements

The amendments will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, it should not create additional paperwork for the private sector.

I. Sunset Date

The Board continuously monitors its regulations. Therefore no sunset date has been assigned.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 28, 1998, the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 1559 to IRRC and the Chairpersons of the House Professional Licensure Committee and Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House and Senate Committees on October 26, 1998. IRRC met on November 5, 1998, and approved the final-form regulations in accordance with section 5(e) of the Regulatory Review Act.

K. Public Information

Interested persons may obtain information concerning the amendments by writing to Linda Dinger, Administrator, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

L. Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 1559.
- (4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this Preamble.

M. Order

The Board, acting under its authorizing statutes, orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 1, are amended by §§ 1.23 and 1.26 and by adding § 1.41 to read as set forth at 28 Pa.B. 1559.

(b) The Board shall submit this order and 28 Pa.B. 1559 to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and 28 Pa.B. 1559 and deposit them with the Legislative Reference Bureau as required by law.

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

KENNETH A. GEYER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 5818 (November 21, 1998).)

Fiscal Note: Fiscal Note 16A-642 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-1942. Filed for public inspection November 27, 1998, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Professional Conduct

The State Board of Veterinary Medicine (Board) adopts an amendment to § 31.21 (relating to rules of professional conduct for veterinarians) to read as set forth in Annex A.

The amendment revises Principle 7, "Veterinarian Client Relationships," by deleting subsection (h), which requires veterinarians to give at least 30 days written notice to the owner of an animal of the veterinarians' intention to withdraw services. Subsection (h) was adopted in 1994. This deletion is in response to the complaints of numerous veterinarians that the requirement is burdensome and unnecessary.

The Board concluded that veterinarians' complaints had merit and proposed modifications to Principle 7(h). The proposed revision authorized veterinarians to withdraw services after giving adequate notice to allow the client to obtain the services of another veterinarian, or 48 hours after documented oral notice, whichever occurs first. Notice of proposed rulemaking was published at 26 Pa.B. 4765 (October 5, 1996).

The Board received comments from the Independent Regulatory Review Commission (IRRC) as well as from the Pennsylvania Veterinary Medical Association (PVMA). The PVMA criticized the notice required in Principle 7(h) and the proposed revision as unnecessary. IRRC also criticized Principle 7(h) as both excessive and burdensome, pointing to other practice standards previously codified by the Board. IRRC also questioned the Board's practical concern related to a client's obtaining the services of another veterinarian, observing, that no shortage has been demonstrated of licensed veterinarians in any part of this Commonwealth. IRRC recommended that the Board delete Principle 7(h) in its entirety.

In response to these suggestions, the Board undertook a review of existing law and regulations to determine whether adequate regulatory authority can be identified with respect to veterinarians who inappropriately abandon an animal. The Board's rules of Professional Conduct, Principles 1—7, establish broad and specific standards governing veterinarians' conduct in holding themselves out to the public. These rules require veterinarians to

preserve life and relieve suffering. They further identify additional duties such as the conservation of livestock resources. Principle 7(a) specifies that a veterinarian may not neglect an animal after undertaking its care, while Principle 7(d) makes a veterinarian fully responsible for any action relating to an animal until it is released from the veterinarian's care.

The abandonment of animals, generally, is addressed in section 601(c)(2) of the Dog Law (act) (3 P. S. § 459-601(c)(2)), which sets forth procedures which a veterinarian must follow when an animal in the veterinarian's custody is abandoned by its owner. A veterinarian may transfer any animal in his custody for treatment, boarding or other care, which has been abandoned by its owner for more than 10 days, into the custody of the nearest humane society, association for the prevention of cruelty to animals or dog pound in the area.

Transfer may occur after the veterinarian gives written notice of his intentions to the animal's owner by personal service or registered mail, and receives the return receipt. The veterinarian shall retain the return receipt for 12 days. After 48 hours have elapsed from the transfer of custody, the custodian may humanely kill the animal or place it for adoption.

Section 601(c)(3) of the act provides that when the veterinarian has given proper notice to the owner of the animal and retains the return receipt, the veterinarian and custodian may not be found liable for disposal of the animal. The disposal may not constitute grounds for disciplinary procedure under the act, as enforced by the Department of Agriculture.

The Board has concluded that a specific standard governing abandonment of animals is not necessary in its Code of Conduct. The current provisions of Principle 7(h) could create confusion among the public and licensees because of conflicting standards. The Board's current rules of professional conduct generally establish standards for veterinarians' behavior, while provisions of the act set forth specific protection from liability and have been in existence for many years.

Annex A therefore deletes Principle 7(h) as recommended by IRRC and the PVMA. The Board considers its general ethical principles adequate to impose discipline on a veterinarian who may neglect an animal, while section 601(c) of the act provides guidance when a veterinarian must deal with an abandoned animal.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed the provisions and history of this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1991-1.

Fiscal Impact

The amendment should have no negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

Paperwork Requirements

The amendment will not result in additional paperwork requirements.

Statutory Authority

The amendment is adopted under the dual authority of section 5(1) and (2) of the Veterinary Medicine Practice

Act (63 P. S. § 485.5(1) and (2)). Section 5(1) of the Veterinary Medicine Practice Act empowers the Board to adopt reasonable rules and regulations governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent of the Veterinary Medicine Practice Act. Section 5(2) of the Veterinary Medicine Practice Act empowers the Board to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 4765, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing this final-form regulation the Board has considered the comments received from IRRC, the Committees and the public.

This final-form regulation was deemed approved by the House Committee on October 7, 1998, and approved by the Senate Committee on September 29, 1998. IRRC met on October 22, 1998, and approved the final-form regulation in accordance with section 5(e) of the Regulatory Review Act.

Contact Person

Further information may be obtained by contacting Robert Kline, Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 26 Pa.B. 4765.

(4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.21, Principle 7, to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

(d) This order shall take effect upon publication.

JEFFREY M. OTT, V.M.D.,
Chairperson

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

Fiscal Note: Fiscal Note 16A-575 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

* * * * *

Principle 7. Veterinarian/client relationships.

(a) Veterinarians may choose whom they will serve. Once they have undertaken the care of an animal, however, they may not neglect the animal.

(b) In their relations with clients, veterinarians should consider first the welfare of the animal for the purpose of relieving suffering and disability while causing a minimum of pain or fright. Benefit to the animal should transcend personal advantage or monetary gain in decisions concerning therapy.

(c) Veterinarians and their staffs shall protect the personal privacy of clients, unless the veterinarians are required by law to reveal the confidences or it becomes necessary to reveal the confidences to protect the health and welfare of an individual, the animal or others whose health and welfare may be endangered.

(d) Veterinarians shall be fully responsible for their actions with respect to an animal from the time they accept the case until the animal is released from their care.

(e) In the choice of drugs, biologics or other treatments, veterinarians should use their professional judgment in the interests of the animal, based upon their knowledge of the condition, the probable effects of the treatment and the available scientific evidence which may affect these decisions.

(f) If a client desires to consult with another veterinarian about the same case, the first veterinarian shall readily withdraw from the case, indicating the circumstances on the veterinary medical record of the animal, and shall forward copies of the animal's veterinary medical records to other veterinarians who request them.

(g) If a client requests referral to another veterinarian or veterinary hospital, the attending veterinarian shall honor the request and facilitate the necessary arrange-

ments, which shall include forwarding copies of the veterinary medical records of the animal to the other veterinarian or veterinary hospital.

[Pa.B. Doc. No. 98-1943. Filed for public inspection November 27, 1998, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 43]

Temporary Registration Cards and Plates

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this order, amends Chapter 43 (relating to temporary registration cards and plates) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 26 Pa.B. 3839 (August 10, 1996) with an invitation to submit written comments within 30 days of publication.

The Department received comments from the Pennsylvania Association of Notaries (PAN), the Pennsylvania Automotive Recycling Trade Society (PARTS) and the Independent Regulatory Review Commission (IRRC). The Department carefully reviewed and considered these comments and the following is a summary of these comments and the manner in which the Department responded:

(1) PARTS correctly noted that § 43.6 (relating to issuance of temporary registration plates) limits the issuance of temporary registration plates on reconstructed and specially constructed vehicles to the Bureau itself while issuing agents would be prohibited from issuing this particular type of temporary plate. An issuing agent is a dealer or agent who has been authorized by the Department to issue temporary plates and cards. PARTS believes that this provision adds unnecessary time and expense to the reconstructed and specially constructed registration process. The Department responded that current policy is that issuing agents are not permitted to issue temporary registration plates for specially constructed or reconstructed vehicles. This procedure has proven to be in the best interest of public safety since a reconstructed vehicle is a vehicle that has been rebuilt. This vehicle must be inspected by an inspection mechanic, and the individual who did the actual reconstruction, whether a dealer or an individual, must submit all the required documentation to the Department for review to ascertain that the reconstruction was done in a manner that makes the vehicle roadworthy. The Department, after reviewing and approving the reconstruction, will issue a title to the vehicle which includes a notation or a "brand" on the title itself advising any purchaser that the vehicle is reconstructed.

(2) PARTS asked the Department to allow issuing agents to issue temporary registration plates after the initial reconstructed inspection process is completed and the branded title is issued. The Department responded that decentralized messengers may issue this registration under the authority in Chapter 255 (relating to messenger service). This process is confined to decentralized messengers since it is necessary for them to telephone the Bureau to ensure there are no suspensions on the record prior to issuing the temporary registration.

(3) IRRC noted in § 43.4(d) (relating to authorization to issue temporary registration plates), that the Depart-

ment revised the conditions under which it may deny an application of a person wishing to issue temporary registration plates by adding influence by a person who is ineligible for authorization and by extending this influence to corporate officers or shareholders. Although IRRC understands that the Department is attempting to prevent prior offenders from circumventing their suspensions through establishment of a new corporation, it stated that the term influence is too vague to be enforceable. IRRC recommended that the Department revise the prohibition to include any applicants business which is operated, managed, controlled or affiliated with a person ineligible for authorization. The Department agrees with this recommendation.

(4) IRRC noted that § 43.5(d) (relating to issuance of temporary registration cards) was revised to add the requirement that documents or forms in the application be verified. Existing regulations require the application to be properly executed and notarized while the proposed amendments required the application be properly and completely executed and verified or notarized. PAN has also expressed concern with the addition of the term "verified." It stated that 75 Pa.C.S. (relating to the Vehicle Code) requires the services of a notary public to process certain motor vehicle transactions and forms, while 75 Pa.C.S. § 1103.1(b) (relating to certificate of title required) states: "The application shall be signed and verified by oath or affirmation by the applicant if a natural person." The Department agrees and has removed the word "verified."

(5) IRRC expressed concerns regarding the addition of language in § 43.11(c) (relating to sanctions for violation by issuing agents). IRRC recommended that the Department remove the language "multiple violations" and establish a new subsection titled "Dual violations." The Department agrees and has added subsection (i) titled "dual violations" and moved the language pertaining to the same violations under both chapters to the new subsection. IRRC also expressed concern with § 43.11(c) in its citation to Chapter 53 (relating to manufacturers, dealers and miscellaneous motor vehicle business registration plates) since the new language has not yet been incorporated into Chapter 53. IRRC recommended the reference be changed to 75 Pa.C.S. § 1374 (relating to suspension or revocation of vehicle business registration plates). The Department agrees with this recommendation and has cited 75 Pa.C.S. § 1374(d) as opposed to Chapter 53 in § 43.11(i).

(6) IRRC was concerned with the sanctions heading in § 43.11(a). Category I in the existing regulations contains a heading in the offense category which reads: "Reason for suspension of agents." The proposed amendments revised the heading to read: "Reason for sanction of agent." The heading of the offense categories in existing regulation, "Duration of suspension" is revised to "type of sanction" in the proposed rulemaking. While these headings are consistent with the changed language for offenses rewritten in the proposed rulemaking, the offenses in the existing regulation which were not revised will be inconsistent with the proposed headings. Therefore, IRRC believed the term "suspension" must be added to the existing penalty language for the following categories and offenses:

- Category I (1), 1st and 2nd Offense
- Category I (2), 1st, 2nd and 3rd Offense
- Category I (3) and (5), 1st, 2nd and 3rd Offense
- Category I (7), 1st and 2nd Offense

- Category I (9), (10) and (14), 1st, 2nd and 3rd Offense
- Category I (16) and (17), 2nd and 3rd Offense
- Category I (18) and (21), 1st, 2nd and 3rd Offense
- Category II (1) and (2), 2nd, 3rd and 4th Offense
- Category II (3), 1st, 2nd, 3rd and 4th Offense
- Category II (4) and (12), 2nd, 3rd and 4th Offense

The Department agrees with this recommendation and has revised the penalty description for the previous offenses.

(7) IRRC expressed two concerns with the language in § 43.11(a) Category II (5) which states: "The agent has issued temporary plates up but has not timely delivered proper documents, fees or taxes to the Department within the time prescribed by law or regulation." IRRC correctly believed that the word "up" is a typographical error. The Department agrees and has made this correction. IRRC also noted that the phrases "has not timely delivered" and "within the time prescribed by law or regulation" are vague. The Department has amended § 43.11(a) Category II (5) and § 43.11(h)(1)(i)—(iii) and (v) and (2)(ii) in which the term "timely" appears, to include the phrase "as prescribed by § 43.5(f)(1)."

(8) IRRC noted that § 43.11(h)(1)(iii) referred to the lienholder's failure to promptly forward the titles and has recommended that the Department provide clarification of what constitutes "prompt" action. The Department agrees and has eliminated the use of the word "promptly." The Department changed the regulation to reflect that 75 Pa.C.S. § 1135(a)(1) (relating to satisfaction of security interest) which indicates that the certificate of title shall be immediately mailed or delivered to the owner with proper evidence of satisfaction and release. The Department changed the regulation to clarify that "immediately" means that prudent business practices would allow 3 days for the internal processing by the lienholder.

(9) IRRC expressed concern with § 43.11(h)(1)(v) which provided that an agent has the burden of "presenting evidence acceptable to the Department" that it submitted the documents, taxes and fees to the authorized messenger. IRRC recommended that this phrase be deleted. The better phrasing for describing the agents task in presenting a defense in a proceeding to determine a violation is "burden of proof" and not "burden to present evidence." Also, the phrase "evidence acceptable to the Department" is not an appropriate legal standard. The finder of fact is responsible for weighing the evidence presented and determining, based on the evidence, whether the evidence is sufficient to prove that the agent submitted the documents. Therefore, IRRC recommended that subparagraph (v) be amended to the following:

"The agent has the burden of proving that it submitted the documents, taxes and fees to the authorized messenger within 15 days of the date of purchase of the vehicle, transfer of registration, or issuance of a temporary registration plate or card, whichever occurred first."

The Department agrees with this recommendation and has amended subparagraph (v) as suggested.

(10) IRRC believed that the subsection titled "Suspension without hearing" in § 43.11(h)(3)(i) did not belong as a subparagraph under § 43.11(h)(3). Since it deals with material unrelated to preclusion from mitigation, IRRC believed it should more appropriately be added to § 43.11(h)(4). The Department agrees that it is unrelated to § 43.11(h)(3) and has moved this to § 43.11(j).

The final text of these amendments contains minor modifications, additions, deletions and additional changes,

none of which enlarges the scope of these regulations as originally proposed, and thus, may be published as a final rulemaking. The following represent a summary of the changes:

Section 43.4(d) has been amended to provide that an application to be an issuing agent may be denied if the "applicant's" business is operated, managed or otherwise controlled or affiliated with a corporate officer or shareholder who is ineligible for authorization. The Department had initially proposed denying an application for a certificate of authorization if the applicant is "influenced" by a person who is not eligible for authorization. IRRC recommended that the Department consider changing "influenced" to "affiliated" because of the vagueness of the term "influenced." The Department agrees.

Section 43.5(d) has been further amended to delete the requirement that issuing agents verify the application before issuing the temporary registration card. The Department deleted this requirement because, upon further review, it believes that it was creating an equivocation of the term between its use in the Vehicle Code and the regulations.

IRRC indicated that the meaning of the term "verified" was unclear. The Department agrees.

Section 43.7(d) (relating to inventory of temporary registration cards and plates), has been amended for the purpose of clarification of the phrase "authorized Commonwealth employees." The present language in this section provides for temporary registration plates and related documents to be available for inspection, with or without notice, by authorized Commonwealth employees. For the purpose of clarification, this section has been amended to clarify that this does include the State Police. This section was amended to avoid any possible confusion as to who was an authorized Commonwealth employee. The Department works closely with the State Police in the enforcement of Commonwealth law and regulations promulgated under authority of the Vehicle Code.

Section 43.11(a) contains a schedule which outlines the violations by issuing agents. The heading in the existing regulations reads: "Reason for suspension of agent," which the Department changed to "Reason for sanction of agent" in the proposed regulations. Also, the other heading in the existing regulations reads: "Duration of Suspension" which was changed to "Type of Sanction." While these proposed headings are consistent with the language contained in the rewritten schedule of offenses, they are inconsistent with the schedule contained in the existing regulations which have not been rewritten. Therefore, the Department has amended the schedule to add the term "suspension" in:

- Category I (1), 1st and 2nd Offense
- Category I (2), 1st, 2nd and 3rd Offense
- Category I (3) and (5), 1st, 2nd and 3rd Offense
- Category I (7), 1st and 2nd Offense
- Category I (9), (10) and (14), 1st, 2nd and 3rd Offense
- Category I (16) and (17), 2nd and 3rd Offense
- Category I (18) and (21), 1st, 2nd and 3rd Offense
- Category II (1) and (2), 2nd, 3rd and 4th Offense
- Category II (3), 1st, 2nd, 3rd and 4th Offense
- Category II (4), (6)—(12), 2nd, 3rd and 4th Offense

Section 43.11(a) Category I (3) and (19) are redundant, and accordingly, this section has been amended by delet-

ing Category I (19). This duplicity is not required as the only difference is the penalty. The penalty at Category I (3) is more appropriate than the listed penalty in Category I (19). This deletion results in the renumbering of Category I (20) and (21) to Category I (19) and (20) respectively.

Section 43.11(a), Category II (5) contains the phrases "has not timely delivered" and "within the time prescribed by law or regulation." To avoid the perception of vagueness, the Department has added as prescribed by § 43.5(f)(1) to the referenced subsection.

Section 43.11(a), Category II (5) contains a typographical error by inclusion of the word "up" early on in the sanction. The Department has deleted the word "up" in accordance with the IRRC recommendation.

Section 43.11(c) has been amended to delete the language which added a provision that an agent, who is also a dealer and who has been sanctioned with a monetary penalty for a violation that constitutes an offense of Chapters 43 and 53, will only have to pay the monetary penalty prescribed in Chapter 53. This provision has been moved to § 43.11(i) as recommended by IRRC. Further, the substance of the proposed § 43.11(i), relating to suspension without hearing, has been moved to a new subsection (j).

Section 43.11(h)(1)(i)—(iii) and (v) and previously (2)(ii) contains the phrase "timely submit" which IRRC believed to be vague. To avoid vagueness, the Department has added "as prescribed by § 43.5(f)(1)" to each of the referenced subparagraphs. Section 43.5(f)(1) provides that the agent shall submit to the Bureau the original copy of the registration card, related documents and the required fees within 20 days of the issuance of the temporary registration.

Section 43.11(h)(1)(iii) concerns the lienholder's failure to "promptly" forward the titles to the vehicle owners upon satisfaction of the encumbrance. IRRC questioned the clarity of the word "promptly" and the Department agreed. Therefore, the Department has changed the regulation to clarify that by "immediately" means that prudent business practices would allow 3 days for the internal processing by the lienholder. The Department also changed the word "agent" to the word "owner," since "owner" is the term used in 75 Pa.C.S. § 1135(a)(1), and the Department believes that the word "owner" would maintain consistency.

Section 43.11(h)(1)(v) provides that an agent has the burden of presenting evidence acceptable to the Department that it submitted the documents, taxes and fees to the authorized messenger. In response to a recommendation from IRRC, the Department has deleted the phrase "presenting evidence acceptable to the Department" and replaced it with the term "proving."

Section 43.11(i) has been amended by removing the substance of the same to a new § 43.11(j). This change was made at the suggestion of IRRC.

Section 43.11(i) adds a new subsection which provides that an agent, who is also a dealer and who has been sanctioned with a monetary penalty for a violation that constitutes an offense of 75 Pa.C.S. § 1374(d) and Chapter 43, will only have to pay the monetary penalty of 75 Pa.C.S. § 1374(d). This provision, in the proposed rulemaking previously appeared within § 43.11(c), multiple violations, however, it is more appropriate to present this rule within its own subsection.

Persons and Entities Affected

These final-form regulations affect all persons who apply for or who are currently authorized to issue temporary registration cards or plates, vehicle owners who request issuance of a temporary card or plate, the State Police and local law enforcement agencies.

Fiscal Impact

These amendments will not require the expenditure of additional funds by the Commonwealth or local governments. The Department, however, at the request of dealerships and tag agents has incorporated a provision to replace suspensions for second and third offenses for failing to timely deliver documents, taxes and fees to the Department, with a monetary penalty of \$50 to \$100 for a second offense and \$100 to \$200 for a third offense. These penalties, however, will only be imposed upon those agents who fail to comply with timely submission as prescribed in the Vehicle Code.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 15, 1996, the Department submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 3839, to IRRC and the Chairpersons of the House and Senate Committees on Transportation for review and comment.

These final-form regulations were deemed approved by the Committees on September 28, 1998, and were approved by IRRC on October 6, 1998, in accordance with section 5(c) of the Regulatory Review Act.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under the Vehicle Code. The Department, however, will continue to monitor these regulations for their effectiveness.

Contact Persons

The contact person is Randy Swartz, Acting Manager, Customer Service Division, Bureau of Motor Vehicles, 1101 S. Front Street, Harrisburg, PA (717) 787-2780.

Authority

The final-form regulations are amended under the authority contained in 75 Pa.C.S. §§ 1310, 1331 and 6103 (relating to temporary registration cards; registration card to be signed and exhibited on demand; and promulgation of rules and regulations by the department).

Findings

The Department finds that:

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

(2) The amendment of the regulations of the Department in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Department acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 43, are amended by amending §§ 43.4—43.7, 43.9, 43.11 and 43.12 to read as set forth in Annex A,

with ellipses referring to the existing text of the regulations.

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

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

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

BRADLEY L. MALLORY,
Secretary

(Editor's Note: The amendment of § 43.7 was not included in the proposal at 26 Pa.B. 3839).

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 5439 (October 24, 1998).)

Fiscal Note: Fiscal Note 18-337 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

CHAPTER 43. TEMPORARY REGISTRATION CARDS AND PLATES

§ 43.4. Authorization to issue temporary registration plates.

* * * * *

(d) *Denial of application.* The Department may deny an application for a certificate of authorization on the basis of information revealed in an investigation, or if the applicant fails to disclose material information required or if the applicant has made a materially false statement on the application, or if the applicant's business is operated, managed or otherwise controlled or affiliated with a person who is ineligible for authorization, including a relative, family member, corporate officer or shareholder.

* * * * *

§ 43.5. Issuance of temporary registration cards.

* * * * *

(d) *Duty to examine documents.* The duty to examine documents includes the following:

* * * * *

(2) A temporary registration card may not be issued unless the following items are found to be in order:

* * * * *

(ii) *Application.* The application shall be properly and completely executed and notarized, as required, accompanied by the correct fees, taxes and other required forms or documents.

(f) *Copies of temporary registration card.* Copies of the temporary registration card shall be handled as follows:

* * * * *

(3) The agent's copy of the temporary registration card, copies of related documents including bills of sale when the agent is also the dealer and a copy of the document used for identification and copies of the documents used

for insurance verification shall be retained at the place of business of the issuing agent for at least 3 years and shall be made available for inspection only by police and authorized representatives of the Department. Cards issued in conjunction with the transfer of registration plates shall be kept separate from cards issued in conjunction with temporary registration plates. Cards shall be kept in chronological order according to the date of issuance.

* * * * *

§ 43.6. Issuance of temporary registration plates.

(a) *Limits on issuance.* Temporary registration plates will be issued in the following manner:

(1) Temporary registration plates other than those specified in paragraph (4) will be issued only by the Bureau, approved governmental agencies, dealers, manufacturers and full agents authorized by the Bureau.

(2) Temporary registration plates shall be issued only in conjunction with an application for title and registration of a vehicle within this Commonwealth or for the purpose of driving or otherwise moving a vehicle purchased in this Commonwealth to another state or country for titling, registration, use or resale there.

(3) Notwithstanding paragraphs (1) and (2), a full agent who is also an authorized messenger service under Chapter 255 (relating to messenger services), may issue a temporary registration plate in one of the following circumstances after receiving authorization from the Department indicating the vehicle record is clear of a suspension or other impediment to issuance of the registration plate:

(i) For a vehicle for which the applicant already has a Pennsylvania certificate of title.

(ii) To a person who is applying for replacement of a lost, stolen or defaced registration plate.

(iii) For a vehicle for which the applicant has an out-of-State title and registration, but is also required to be registered, but not titled, in this Commonwealth.

(4) Temporary registration plates for reconstructed and specially constructed vehicles will be issued only by the Bureau.

(b) *Issuance at other locations.* The Department may provide written authorization for individual dealers, manufacturers or full agents to issue temporary registration plates at a location other than the places of business of the dealer, manufacturer or full agent for a period not to exceed 1 year. The privilege to issue temporary registration plates from a location other than the designated dealer, manufacturer or full agent's place of business is revocable if the Department finds that the dealer, manufacturer or full agent has violated this chapter or the terms of the written authorization.

(c) *Obtaining temporary registration plates.* Temporary registration plates shall be obtained by submitting the appropriate form and paying the applicable fee to the Bureau.

(d) *Issuance of temporary registration card in conjunction with issuance of temporary registration plates.* Upon the issuance of a temporary registration plate, the authorized dealer, full agent or manufacturer shall issue a temporary registration card, in the manner prescribed on forms provided by the Department and in § 43.5 (relating to issuance of temporary registration cards).

(1) The number of the temporary registration plate shall be indicated on the temporary registration card.

(2) If the vehicle is not to be titled in this Commonwealth, it shall be noted on the temporary registration card.

(e) *Issuance of temporary registration plates.* Temporary registration plates shall be issued in consecutive order, beginning with the lowest number in each series.

(f) *Issuance of cardboard temporary registration plates.* Upon issuance of a cardboard temporary registration plate, the authorized dealer, manufacturer or full agent shall punch out the month, day and year of expiration at the space provided and shall record the following information clearly and indelibly on the face of the temporary plate:

(1) The date of issuance.

(2) The year, make and model of vehicle.

(3) The vehicle identification number.

(4) The identification number of the authorized dealer, manufacturer or full agent.

(g) *Fee charged.* The fee charged for providing an applicant with a temporary plate may not exceed:

(1) Ten dollars if the plate was obtained from the Department for a fee of \$5.

(2) Five dollars if the plate was obtained from the Department for a fee of \$1.

§ 43.7. Inventory of temporary registration cards and plates.

(a) *Inventory report.* Every dealer, manufacturer and full agent is responsible for providing the Bureau with a report on the temporary registration plates which it has in inventory, within 30 days of the Bureau's request for the information.

(b) *Security.* Temporary registration cards and plates shall be kept in a secure place, which shall meet the approval of the Bureau. Issuing agents shall be responsible for security of temporary registration cards and plates obtained by them until they are issued to applicants.

(c) *Report on lost or stolen plates.* If plates are lost or stolen, the dealer, manufacturer or full agent shall notify the Department of the loss or theft within 48 hours of the occurrence. This notice shall be in the form of a notarized statement and shall give complete details of the loss or theft of the plates. In the event of theft, a police report shall be submitted to the Department within 10 days of the theft.

(d) *Available for inspection.* Temporary registration plates and related documents shall be available for inspection, with or without notice, by authorized Commonwealth employees which includes the State Police. Records required by the Department to be maintained by the issuing agent in carrying out its duties under this chapter shall be subject to periodic inspection by authorized representatives of the Commonwealth or its designated agents under the following conditions:

(1) *Place.* The inspection will be conducted at the issuing agent's established place of business.

(2) *Time.* The inspection will be conducted during regular and usual business hours.

(3) *Scope.* The inspection will be limited to examination of the records and plate inventory which are subject to the recordkeeping requirements of this chapter and which are on the premises.

§ 43.9. Bond.

(a) *Authorized dealers, manufacturers and full agents to be bonded.* Every authorized dealer, manufacturer and full agent shall file and maintain with the Bureau a bond executed by a surety company authorized to transact business in this Commonwealth. The bond shall be for the use and benefit of the Commonwealth and a person who has sustained a monetary loss within the limitations of the bond as specified in subsection (d).

(b) *Amount of bond.* Issuing agents, other than card agents, shall be bonded in the amount of \$20,000, except full agents who purchase fewer than 200 temporary plates in any 12-month period shall be bonded in the amount of \$10,000. The amount of the bond shall be raised to \$20,000 before a full agent may purchase 200 or more temporary plates in any 12-month period.

(c) *Decrease in amount of bond.* If the amount of the bond is decreased, or if there is a final judgment outstanding against the bond, the right of the authorized dealer, manufacturer or full agent to issue temporary registration cards and plates will be suspended until steps are taken, satisfactory to the Bureau, to restore the original amount of the bond, provide additional bond or satisfy the judgment.

(d) *Limitations of bond.* The bond required under this section shall cover transactions in which the Commonwealth or a person specified in subsection (a), has sustained a monetary loss due to the agent, dealer or manufacturer submitting a dishonored or uncollectible check to the Commonwealth (including protest and uncollectible check fees), or failing to remit to the Commonwealth a fee or tax when the monetary loss is incurred in connection with the business of the dealer or manufacturer. A check which is dishonored upon presentment, or an application for title or registration which is received without a required fee or tax, shall constitute a monetary loss. Failure to pay a monetary penalty within 45 days of assessment shall also constitute a monetary loss. The bond required under this section may not cover a loss for a transaction which is not mentioned in this subsection relating to the issuance of temporary registration cards or plates in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be increased by the amount specified in subsection (b) for each branch office, except that the total amount of the bond will not be required to exceed \$200,000.

(d) *Limitations of bond.* The bond required under this section shall cover transactions relating to the issuance of temporary registration cards or plates that are entered into in connection with the business of the dealer, manufacturer or full agent. If the dealer, manufacturer or full agent has one or more branch offices, the amount of the bond shall be increased by the amount specified in subsection (b) for each branch office, except that the total amount of the bond shall be limited to \$200,000.

(e) *Bond already on file.* An authorized dealer, manufacturer or full agent who has filed a bond with the Commonwealth will not be required to file a separate bond under this section, if the bond already on file with the Commonwealth is in the name of the Commonwealth and at least equal to the amount and coverage of the bond required under this section.

(f) *Acceptance.* The surety and terms of bonds or riders shall be subject to review and acceptance by the Bureau.

(g) *Change of address.* When a change of address occurs, a stipulation or rider to the original bond shall be submitted for the new address.

(h) *Authorized claims.* The Bureau has the right to make and settle claims upon the bond with the surety company on behalf of the Commonwealth and a person who has incurred a monetary loss as specified in subsection (a). The Bureau will, upon written request, assign this right to a person for that person's claim; however, in this event, the Commonwealth is released from any duty to the person towards obtaining satisfaction of that person's claim. The Commonwealth will have priority, to the exclusion of all others, in receiving payment from the surety. If the aggregate amount of valid claims exceeds the amount of the bond, priority for the payment of claims shall be as follows:

- (1) Claims made by the Commonwealth.
- (2) Claims made by the Commonwealth for persons.
- (3) Claims made by persons who obtained assignment from the Bureau.

§ 43.11. Sanctions for violations by issuing agents.

(a) *Schedule.* After providing an opportunity for a hearing, the Department will impose the suspensions or sanctions on an issuing agent according to the schedule of Category I violations and may impose suspensions or sanctions on an issuing agent according to the schedule of Category II violations, when the Department finds upon sufficient evidence that:

Reason for Sanction of Agent

Type of Sanction

	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
<i>Category I</i>				
(1) The agent has committed a fraudulent act including the fraudulent keeping of records, or the fraudulent completion of an application submitted to the Department or the failure to submit to the Department, completed applications and fees and taxes due the Commonwealth in connection with the issuance of the temporary cards or plates.	6-months suspension	1-year suspension	Revocation	

<i>Reason for Sanction of Agent</i>	<i>Type of Sanction</i>			
	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(2) The agent has failed to allow inspection of documents or plates in the possession of the issuing agent by authorized Commonwealth employees.	Suspension until the documents, plates, or both, are made available, plus 1 month	Suspension until the documents, plates, or both, are made available, plus 3 months	Suspension until the documents, plates or both are made available, plus 6 months	Revocation
(3) The agent has consigned or transferred plates to other issuing agents, notaries or persons.	1 month suspension	3 months suspension	6 months suspension	Revocation
(4) The agent has issued temporary plates but has failed to deliver proper documents, fees or taxes to the Department.	Suspension until the documents, fees or taxes are delivered plus a written warning	Suspension until the documents, fees or taxes are delivered, plus 1 month	Suspension until the documents, fees or taxes are delivered, plus 6 months	Revocation
(5) The agent has issued a temporary registration card or plate containing a misstatement of fact or other false information, which the agent knew or should have known to be incorrect or false.	1-month suspension	3-months suspension	6-months suspension	Revocation
	* * *	* *		
(7) The manufacturer, dealer or full agent has failed to maintain in the amount required by 75 Pa.C.S. § 1335(a) and § 43.9 (relating to registration plates for manufacturers and dealers; and bond).	Suspension until the satisfactory bond is furnished to the Department	Suspension until the satisfactory bond is furnished to the Department plus 1 month	Revocation	
(8) The agent has submitted a document to the Department for processing which has been accompanied by an uncollectible or dishonored check drawn on an account used by the agent.	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus a written warning	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus 1 month	Suspension until the uncollectible checks, protest fees and collection charges under the act are paid, plus 6 months	Revocation
(9) The manufacturer dealer or full agent has failed to provide the Bureau with an inventory report within 30 days, as required by § 43.7(a) (relating to inventory of temporary registration cards and plates).	Suspension until the report is provided	Suspension until the report is provided, plus 1 month	Suspension until the report is provided, plus 3 months	Revocation
(10) The agent has charged a fee in excess of the fee allowed for providing an applicant with a temporary plate under § 43.6(g) (relating to issuance of temporary registration plates).	1-month suspension	3-months suspension	6-months suspension	Revocation
	* * *	* *		
(12) The agent has issued temporary registration plates at a location not approved by the Department.	Written warning	1-month suspension	3-months suspension	6-months suspension
(13) The agent has operated a branch office without notifying the Department.	Suspension until the branch office is approved by the Department or closed by the agent.			

Reason for Sanction of Agent

Type of Sanction

	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(14) The agent does not comply with the notary requirement of § 43.4(a)(9) (relating to authorization to issue temporary registration plates).	Suspension until the notary is employed * * *	Suspension until the notary is employed, plus 1 month * *	Suspension until the notary is employed, plus 3 months	Revocation
(16) The agent has not listed or obtained proper insurance information as required by 75 Pa.C.S. § 1318(b) and § 43.5(d)(2)(i) (relating to duties of agents; and issuance of temporary registration cards).	Written warning	3-months suspension	6-months suspension	Revocation
(17) The agent has reissued a temporary registration card without written authorization from the Department.	Written warning	1-month suspension	3-months suspension	Revocation
(18) The agent has charged a fee for the issuance of a temporary registration card in violation of 75 Pa.C.S. § 1310(c) and § 43.5(g)	1-month suspension	3-months suspension	6-months suspension	Revocation
(19) The agent has failed to maintain an established place of business.	Suspension until an established place of business is approved by the Department			
(20) The agent has failed to report a transaction involving the sale or transfer of a vehicle as required by statute, regulation or rule administered or enforced by the Internal Revenue Service.	3-months suspension	6-months suspension	1-year suspension	Revocation
<i>Category II</i>				
(1) The agent has not issued temporary registration plates in consecutive order, beginning with the lowest number in each series.	Written warning	1-month suspension	3-months suspension	6-months suspension
(2) The agent has not listed the date of the issuance of the temporary cards or plates.	Written warning	1-month suspension	3-months suspension	6-months suspension
(3) The manufacturer, dealer or full agent has failed to notify the Department of a change in office location before or within 10 days of the change.	Suspension until the application related to the change has been approved	Suspension until the application related to the change has been approved, plus 1 month	Suspension until the application related to the change has been approved, plus 3 months	Suspension until the application related to the change has been approved, plus 6 months
(4) The agent has failed to keep the temporary registration card and documents related to the application for title or registration, or both, in strict confidentiality, as required by § 43.5.	Written warning	1-month suspension	3-months suspension	6-months suspension

*Reason for Sanction of Agent**Type of Sanction*

	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(5) The agent has issued temporary plates but has not timely delivered proper documents, fees or taxes to the Department within the time as prescribed by § 43.5(f)(1).	Written warning	Monetary penalty of \$50 to \$100 per violation; and suspension for failure to pay the penalty or deliver the documents, fees or taxes within 45 days after the date that the notice was sent, or a greater time period as specified by the Department, until the penalty is paid or documents, fees or taxes are delivered to the Department	Monetary penalty of \$100 to \$200 per violation; and suspension for failure to pay the penalty or deliver the documents, fees or taxes within 45 days after the date that the notice was sent, or a greater time period as specified by the Department, until the penalty is paid or documents, fees or taxes are delivered to the Department	3-month suspension to revocation
(6) The agent has issued temporary plates for a vehicle for which a title has already been issued, unless permitted under § 43.6(a)(3).	Written warning	1-month suspension	3-months suspension	6-months suspension
(7) The agent has issued a metal plate for transporting a vehicle out-of-State.	Written warning	1-month suspension	3-months suspension	6-months suspension
(8) The manufacturer, dealer or full agent has repeatedly not listed its name and identification number, as required, on applications and checks submitted to the Department.	Written warning	1-month suspension	3-months suspension	6-months suspension
(9) The agent has issued the incorrect type of plate for a particular vehicle.	Written warning	1-month suspension	3-months suspension	6-months suspension
(10) The manufacturer, dealer or full agent has failed to post in a conspicuous manner at place of business:				
(i) Schedule of motor vehicles fees.	Written warning	1-month suspension	3-months suspension	6-months suspension
(ii) Schedule of the manufacturer's, dealer's or full agent's fees.	Written warning	1-month suspension	3-months suspension	6-months suspension
(iii) Hours of operation.	Written warning	1-month suspension	3-months suspension	6-months suspension
(iv) Certificate of authorization.	Written warning	1-month suspension	3-months suspension	6-months suspension
(11) The manufacturer, dealer or full agent has failed on two or more occasions to open during posted business hours.	Written warning	1-month suspension	3-months suspension	6-months suspension
(12) The agent has refused to accept a separate check or money order made payable to the Commonwealth for fees and taxes due to the Commonwealth.	Written warning	1-month suspension	3-months suspension	6-months suspension
(13) The agent has failed to provide proper security for temporary registration cards and plates.	Written warning	1-month suspension	3-months suspension	6-months suspension
(14) The agent has refused to issue, upon request, a temporary registration card to an owner or lessee of a vehicle who possesses proper documentation.	Written warning	1-month suspension	3-months suspension	6-months suspension
(15) The agent has failed to maintain an adequate schedule of business hours.	Written warning	1-month suspension	3-months suspension	6-months suspension

Reason for Sanction of Agent

Type of Sanction

	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>	<i>Fourth and Subsequent Offense</i>
(16) The agent has issued a cardboard temporary tag without verification that the vehicle will be transported to another state for registration as for registration as required by § 43.5(d)(2)(i)(C).	Written warning	1-month suspension	3-months suspension	6-months suspension
(17) The agent has:				
(i) Failed to furnish receipts as required.	Written warning	1-month suspension	3-months suspension	6-months suspension
(ii) Failed to retain duplicate copies of receipts for 3 years.	Written warning	1-month suspension	3-months suspension	6-months suspension
(18) The agent has issued a temporary registration to an applicant without proper documentation.	Written warning	1-month suspension	3-months suspension	6-months suspension
(19) The manufacturer, dealer or full agent has failed to notify the Department of a change in ownership or other changes affecting the business of the issuing agent before or within 10 days of the change.	Suspension until an application related to the change has been submitted to the Department.			
(20) The agent has failed to retain proper records under § 43.5(f).	Written warning	1-month suspension	6-months suspension	Revocation
(21) The agent has on two or more occasions violated, or failed to comply with, a provision of 75 Pa.C.S. Chapter 11, 13, 21, 23 or 71, or Departmental regulations promulgated under these chapters, except for untimely submissions as provided in paragraph (5).	1-month suspension	3-months suspension	6-months suspension	Revocation
(22) The agent has been convicted of a summary offense, relating to the titling, registration or payment of sales tax for a vehicle which was committed in connection with the business of the agent, except for untimely submissions as provided at paragraph (5).	Written warning	1-month suspension	3-months suspension	Revocation

* * * * *

(c) *Multiple violations.* In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation under the schedule in subsection (a). The Department may direct that a suspension or revocation imposed be served concurrently or consecutively.

(d) *Suspension authority reserved.* The description of grounds for suspension will not be deemed to limit the authority of the Department to control the issuance of temporary registration cards and plates as granted by 75 Pa.C.S. §§ 1310 and 1331 (relating to temporary registration cards; and issuance of registration plates). The Department may suspend an issuing agent for offenses not described in subsection (a), such as any use of temporary registration plates or official documents, or conduct on the part of the issuing agent, that does not conform to the law of the Commonwealth. Sanctions imposed under this subsection shall be consistent with the sanctions imposed under subsection (a) according to the seriousness of the violation as evidenced by factors such as the number of persons or documents involved, the amount of money involved, and the like.

* * * * *

(h) *Relevant mitigating events.* For a violation of subsection (a) Category II (5), second, third or subsequent offense, the Department will consider the following relevant mitigating events that serve to exonerate the agent of the offense or to reduce the monetary penalty that may be imposed. The agent has the burden of establishing the relevant mitigating event and that the relevant mitigating event was the cause of the violation.

(1) *Exoneration.* In determining whether the relevant mitigating events serve to exonerate the agent of the offense, the Department will consider evidence offered by the agent pertaining to the following:

(i) Whether the failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees was the result of an Act of God, such as fire, flood or other natural disaster.

(ii) Whether the failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees, was the result of criminal or fraudulent action by an employe or

licensed messenger of which the agent was not aware and could not have prevented and that the agent had in place customary business practices to effectuate the timely submission of taxes, fees and title applications to the Department.

(iii) Whether the failure to timely submit, as prescribed § 43.5(f)(1), the applications, taxes or fees, was the result of a lienholder's failure to immediately forward the titles to the owner, as prescribed by 75 Pa.C.S. § 1135(a)(1) (relating to satisfaction of security interest) and, in this case, whether the lienholder received prompt repayment of the debt from the vehicle owner or licensed dealer and immediately released its liens within 3-business days.

(iv) Whether the agent would have been exonerated of prior sanctions that were issued against the agent within the 3 years prior to November 28, 1998, had the Departmental regulations that were effective, November 28, 1998, been in effect.

(v) Whether the failure to timely submit the applications, as prescribed by § 43.5(f)(1), was the result of criminal, fraudulent or negligent action by an authorized messenger of the Department. This subparagraph does not apply when the same person controls the agent and the messenger. The agent has the burden of proving that it submitted the documents, taxes and fees to the authorized messenger within 15 days of the date of purchase of the vehicle, transfer of a registration or issuance of a temporary registration plate or card, whichever occurred first.

(2) *Reduction in monetary penalty.* In determining whether the events serve to reduce the monetary penalty that the Department may impose, but which will not exonerate the agent of the offense, the Department will consider evidence offered by the agent pertaining to the following:

(i) Whether subsequent to the applicable notice of hearing issued by the Department, the Department's records reflect that the agent has remedied the event which was the cause of the untimely submissions and that no additional late submissions have occurred.

(ii) Whether the applications, taxes or fees were submitted by more than 20 but less than 40 days after the date of purchase of the vehicle, if no consumer or vehicle purchaser was harmed by the agent's failure to timely submit, as prescribed by § 43.5(f)(1), the applications, taxes or fees and that the agent had in place customary business practices to effectuate the timely submission of taxes, fees and title applications to the Department. Failure of the consumer or vehicle purchaser to receive the annual registration documents prior to expiration of the temporary registration constitutes harm.

(3) *Preclusion from mitigation.* If the Department discovers that the agent, or an employe of the agent, altered the date of purchase of a vehicle upon an application, the Department will be precluded from exonerating the agent of the offense or reducing the monetary penalty and will impose the sanction prescribed by subsection (a).

(i) *Dual violations.* If an agent, which is also a dealer, has been sanctioned with a monetary penalty as a dealer under 75 Pa.C.S. § 1374(d) (relating to suspension or revocation of vehicle business registration plates) for a violation that involves the same violation for which a monetary penalty may be imposed under this chapter, only the monetary penalty prescribed in 75 Pa.C.S. § 1374(d) will be imposed upon the agent, which is also a

dealer, for the violations that constitute offenses of both. The offenses will be noted upon the record for both this chapter and Chapter 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates).

(j) *Suspension without hearing.* The Department will suspend an issuing agent without a hearing when the agent refuses to allow inspection of records in accordance with § 43.7(d).

§ 43.12. Use of temporary registration plate.

(a) *Applicability.* This section pertains to the use of a temporary registration plate by the person to whom it was issued.

(b) *Temporary registration plate nontransferable.* Temporary registration plates may not be transferred from one vehicle to another. If a person purchases another vehicle before receiving the regular registration card from the Bureau, the person shall wait until receipt of the regular registration card and then transfer the registration plate in the usual manner.

(c) *Expiration of temporary registration plates.* Temporary registration plates shall expire as follows:

(1) *Rules pertaining to cardboard plates.*

(i) A cardboard temporary registration plate shall expire and become void upon the occurrence of one of the following:

(A) Issuance of registration from another state.

(B) Rescission of a contact to purchase a vehicle.

(C) Expiration of 30 days from the date of issuance.

(ii) Upon expiration of a cardboard temporary registration plate, the person to whom it was issued shall destroy it.

(2) *Rules pertaining to metal plates.* A metal temporary registration plate may not be used after the expiration of 60 days from the date of issuance of the temporary card and plate until the registrant receives a regular registration card from the Bureau.

(d) *Use of temporary registration plates on vehicles transporting a load.* Vehicles transporting a load shall comply with the following:

(1) Temporary metal registration plates may be used on a vehicle transporting a load if the vehicle has a gross vehicle weight rating of 26,000 pounds or less and the vehicle and load have a gross weight of 26,000 pounds or less.

(2) Temporary metal registration plates may not be used on a vehicle transporting a load, if the vehicle has a gross vehicle weight rating in excess of 26,000 pounds or the vehicle and load have a gross weight in excess of 26,000 pounds, unless the vehicle is operating only within this Commonwealth or through jurisdictions which are not members of the International Registration Plan.

(3) Temporary cardboard registration plates may not be used on a commercial vehicle transporting a load.

(e) *Prosecution.* A person who violates subsection (c) shall be subject to prosecution under 75 Pa.C.S. § 1301 (relating to driving unregistered vehicle prohibited).

[Pa.B. Doc. No. 98-1944. Filed for public inspection November 27, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties, Guidelines for Imposition of Civil Penalties; Procedures for Appeal

The Commissioner of Professional and Occupational Affairs (Commissioner) by this notice adopts a schedule of civil penalties for operating without a current license, registration, certificate or permit or for violations of acts or regulations pertaining to the conduct or operation of a business or facility licensed by a licensing board or commission within the Bureau of Professional and Occupational Affairs (Bureau).

Section 5(a) of the act of June 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)) (act) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau, to adopt a schedule of civil penalties for (1) operating without a current and valid license, registration, certificate or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Section 5(a) of the act further permits the Commissioner to publish in the *Pennsylvania Bulletin* the schedule of penalties, guidelines for imposition and procedures for appeal of the imposition of civil penalties to be followed by the promulgation of regulations finalizing a schedule of civil penalties, guidelines and procedures.

The Commissioner has previously adopted a schedule of civil penalties under section 5(a) of the act with respect to six licensing boards and commissions. These schedules as well as guidelines and procedures for their implementation have been promulgated as final regulations in accordance with the act in Chapter 43b (relating to Commissioner of Professional and Occupational Affairs). The Commissioner, herein, intends to add schedules of civil penalties for the following five other boards and commissions: State Registration Board for Professional Engineers, Land Surveyors and Geologists; State Board of Accountancy; State Architects Licensure Board; State Board of Auctioneer Examiners; and State Board of Dentistry. The Commissioner also, herein, adds new penalty provisions for the State Board of Pharmacy.

In establishing the schedule for penalties, the Commissioner and the Division of Prosecution for the Bureau and the Bureau of Enforcement and Investigation for the Department of State met with each board, at a minimum, at two regularly scheduled meetings this spring and summer. The Commissioner implemented the Board's suggestions in developing these schedules. Following that exchange of information, the boards approved the schedule of civil penalties in Annex A. The schedule of penalties incorporates provisions for increased penalties for second offenses and for the seriousness of the violation with respect to the threat to the public health, safety and welfare.

In addition to consulting with the licensing boards, the Commissioner notified various professional associations of the civil penalty provisions of the act and invited them to provide comments and suggestions regarding its implementation.

Based upon consultations with the licensing boards, the Commissioner hereby adopts a schedule of penalties, guidelines and procedures for their implementation and for appeals.

This statement of policy is effective upon publication in the *Pennsylvania Bulletin* and applies to inspections on and after November 28, 1998.

DOROTHY CHILDRESS,
Commissioner

(Editor's Note: The regulations of Department of State, 49 Pa. Code Chapter 43b, are amended by amending statement of policy § 43b.7a and by adding statements of policy §§ 43b.10—43b.14 to read as set forth in Annex A with ellipses referring to the existing text.)

Fiscal Note: 16-19. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.7a. Schedule of civil penalties—pharmacists and pharmacies—statement of policy.

STATE BOARD OF PHARMACY

Violation under 49 Pa. Code Chapter 27

Section 27.31

Title/Description

Biennial renewal—(c) Practicing on a lapsed license or permit

Civil Penalty

0-4 months—\$50 per month; over 4 months-8 months—\$100 per month; Over 9 months-12 months—\$200 per month; Over 1 year—formal action

§ 43b.10. Schedule of civil penalties—accountants—statement of policy

STATE BOARD OF ACCOUNTANCY

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 9.8b(b)	Completion of continuing education hours after end of reporting period but before start of next license biennium (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 9.12(a)	Unlawful use of “certified public accountant,” “CPA” or similar representation by person never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of “certified public accountant,” “CPA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days-180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(c)	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days-180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(j)	Unlawful use of “public accountant,” or “PA” or similar representation by person never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of “public accountant,” or “PA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days-180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association, or organization of CPAs or PAs by person or firm never licensed	1st offense—\$250* 2nd offense—formal action
	Unlawful representation of membership in professional society, association, or organization of CPAs or PAs by person or firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days-180 days past renewal deadline—\$250 2nd offense—formal action
Violation under 49 Pa. Code, Chap. 11		
Section 11.62(a)(2)	Failure to complete 20 hours of continuing education each year (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 11.68(b)	Failure to timely submit documentation of continuing education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd offense—formal action

*The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct.

§ 43b.11. Schedule of civil penalties—architects—statement of policy.

STATE ARCHITECTS LICENSURE BOARD

Proposed Schedule

Violation under 63 P. S.	Violation under 49 Pa. Code Chapter 9	Description of Violation	Penalties
Section 34.12(a)	N/A	Architect impressing his seal or knowingly permitting it to be impressed on drawings, specifications or other design documents which were not prepared by him or under his personal supervision.	1st offense—\$1,000 2nd offense—formal

Violation under 63 P. S.	Violation under 49 Pa. Code Chapter 9	Description of Violation	Penalties
Section 34.12(a)	N/A	Anyone impressing an architect's seal or knowingly permitting it to be impressed on drawings, specifications or other design documents after the architect's certificate has expired, or has been revoked, annulled or suspended.	1st offense—\$1,000 2nd offense—formal
Section 34.13(h)	Section 9.163	Engaging in the practice of architecture as a professional association, partnership, professional corporation, or business corporation without first receiving the written approval of the Board.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Section 34.18(a) and (b)	Section 9.171	Use of the word "architect" or "architects" in the surname, word or business title implying that an individual or business is engaged in the practice of architecture, without possessing current and proper licensing by the Board.	1st offense—\$1,000 2nd offense—formal

§ 43b.12. Schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies.

STATE BOARD OF AUCTIONEER EXAMINERS

Proposed Schedule

Violation under 63 P. S.	Violations under Title 49 Chapter 1	Description of Violation	Penalties
Sections 734.3(a) and 734.20(a)(9)	N/A	Auctioneer or apprentice auctioneer operating on a lapsed license in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.3(a) and 734.20(a)(9)	N/A	Engaging in unlicensed auctioneering activities in PA.	1st offense—\$1,000 2nd offense—formal
Sections 734.9(a) and 734.20(a)(9)	N/A	Operating an unlicensed auction house in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.10(a) and 734.20(a)(9)	N/A	Operating as an unlicensed auction company in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.9(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction house in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.10(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction company in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.9(a) and 734.20(a)(9)	N/A	Operating an auction house on a lapsed license in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.10(a) and 734.20(a)(9)	N/A	Operating an auction company on a lapsed license in PA.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Section 734.20(a)(12)	N/A	Failure of an auctioneer to establish or maintain an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.21 and 734.20(a)(9)	N/A	Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.17(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal

Violation under 63 P. S.	Violations under Title 49 Chapter 1	Description of Violation	Penalties
Sections 734.17(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to keep contracts on file in the office of the auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.16(b) and 734.20(a)(9)	N/A	Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by BEI inspectors or investigators.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Sections 734.18(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to display auctioneer license in the auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal
Sections 734.18(b) and 734.20(a)(9)	N/A	Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal
Section 734.20(a)(10)	Section 1.31(c) and (d)	Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
Section 734.20(a)(10)	Section 1.31(e)	Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal

§ 43b.13. Schedule of civil penalties—engineers, land surveyors and geologists.

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Violation under 63 P. S.	Title/Description	Penalties
Section 150(b)	Representing himself to be an engineer, land surveyor or geologist without being licensed or registered: (1) By sign. (2) By advertisement. (3) By letterhead. (4) By card.	1st offense—\$1,000 2nd offense—formal action 1st offense—\$1,000 2nd offense—formal action 1st offense—\$1,000 2nd offense—formal action 1st offense—\$1,000 2nd offense—formal action
Section 151(e)	Biennial renewal—Practicing on a lapsed license or registration	1st offense—Up thru 5 months—\$500 6 months thru 1 year—\$1,000 Over 1 year—formal action 2nd offense—formal action

§ 43b.14. Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants.

STATE BOARD OF DENTISTRY

Violation under 49 Pa. Code	Title/Description	Civil Penalty
Section 33.105(b)	Practicing on a lapsed license/certificate	1st offense— Dentists—\$100/month Dental hygienists—\$50/month Expanded function dental assistants—\$25/month 2nd offense—formal action

[Pa.B. Doc. No. 98-1945. Filed for public inspection November 27, 1998, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 17, 1998.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-16-98	Southwest National Bank of Pennsylvania Greensburg Westmoreland County <i>To:</i> Southwest Bank Greensburg Westmoreland County	Greensburg	Filed

Application represents conversion from a nationally-chartered banking institution to a State-chartered banking institution.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-13-98	The First National Bank of Maryland, Baltimore, MD; Dauphin Deposit Bank and Trust Company, Harrisburg, PA; and The York Bank and Trust Company, York, PA Surviving Institution— The First National Bank of Maryland, Baltimore, MD	Baltimore, Maryland	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-9-98	FirstService Bank Lansdale Montgomery County	Neshaminy Valley Commons 2460 Bristol Road Bensalem Bucks County	Opened
11-10-98	East Penn Bank Emmaus Lehigh County	1251 S. Cedar Crest Blvd. Salisbury Township Lehigh County	Filed
11-12-98	Fulton Bank Lancaster Lancaster County	South York Plaza Pauline Drive York Township York County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-4-98	Abington Savings Bank Jenkintown Montgomery County	<i>To:</i> 1536 Easton Road Horsham Montgomery County <i>From:</i> 1432 Easton Road Warrington Bucks County (Approved/Unopened)	Effective

NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-12-98	Community Bank and Trust Company Forest City Susquehanna County	<i>To:</i> 1601 Main Street Dickson City Lackawanna County <i>From:</i> Corner of Main and Lackawanna Avenues Dickson City Lackawanna County (Approved/Unopened)	Approved
11-12-98	Sun Bank Selinsgrove Snyder County	<i>To:</i> 100 Maynard Street Williamsport Lycoming County <i>From:</i> 330 Pine Street Williamsport Lycoming County	Approved
11-12-98	Parkvale Savings Bank Monroeville Allegheny	<i>To:</i> 3520 Forbes Avenue Pittsburgh Allegheny County <i>From:</i> 3530 Forbes Avenue Pittsburgh Allegheny County	Approved
11-12-98	Northern Central Bank Williamsport Lycoming County	<i>To:</i> 193A N. Main Street Mansfield Tioga County <i>From:</i> 1199 S. Main Street Mansfield Tioga County (Approved/Unopened)	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-98	The York Bank and Trust Company York York County	1425 N. Sherman St. York York County	Effective

SAVINGS ASSOCIATIONS**Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
11-16-98	Security Savings Association of Hazleton Hazleton Luzerne County	Hazleton	Approved

Application represents conversion from a State-chartered mutual savings association to a State-chartered stock savings association.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1946. Filed for public inspection November 27, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the 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 (800) 654-5984.

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

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

PA 0055964. Sewage, **William and Joy Williams**, 7263 Tohickon Hill Road.

This application is for renewal of an NPDES permit to discharge treated sewage from the Williams Residence STP in Plumstead Township, **Bucks County**. This is an existing discharge to UNT to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 800 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

PA 0050750. Sewage, **United Mobile Homes, Inc.**, 125 Wycoff Road, P. O. Box 335, Eatontown, NJ 07724.

This application is for renewal of an NPDES permit to discharge treated sewage from the Oxford Village Mobile Home Park WWTP in Penn Township, **Chester County**. This is an existing discharge to the East Branch of Big Elk Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 47,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia (as N)	20		40
Total Residual Chlorine (years 1 and 2)	1.0		2.0
(years 3, 4 and 5)	0.5		1.2
Fecal Coliform (5-1 to 9-30)	200 colonies/100 ml as a geometric average		
(10-1 to 4-30)	46,000 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 2.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

PA 0011746. Industrial waste, **Pennsylvania-American Water Company**, 800 W. Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888.

This application is for renewal/flow increase of an NPDES permit to discharge treated process water from a water purification plant in Norristown Borough, **Montgomery County**. This is an existing discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.522 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Total Iron	2.0	4.0	5.0
Total Dissolved Iron	1.0	2.0	2.5
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
Total Residual Chlorine (Years 1 and 2)	monitor/report		monitor/report
(Years 3, 4 and 5)	0.5		1.2
Chloroform	monitor/report		
Chlorodibromo-methane	monitor/report		
Dichlorobromo-methane	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0012190. Industrial waste, **Meuller Streamlined Company**, 287 Wissahickon Avenue, North Wales, PA 19454.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from Precision Tube Company, Inc. in Upper Gwynedd Township, **Montgomery County**. This is an existing discharge to the Wissahickon Creek.

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

The proposed effluent limits for Outfall 002, based on an average flow of .01775 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
CBOD ₅	monitor/report		
COD	monitor/report		
Oil and Grease	monitor/report		
Total Suspended Solids	monitor/report		
Total Kjeldahl Nitrogen	monitor/report		
Total Phosphorous	monitor/report		
Effluent Guideline Pollutants	monitor/report		
Dissolved Iron	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0052205. Sewage, **John J. Murphy, Jr.**, 89 Chestnut Valley Drive, Doylestown, PA 18901.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Doylestown Borough, **Bucks County**. This is an existing discharge to an unnamed tributary to Cooks Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0052906. Industrial waste, **Montenay Montgomery Limited Partnership**, 1155 Conshohocken Road, Conshohocken, PA 19428.

This application is for renewal of an NPDES permit to discharge stormwater from a resource recovery facility in Plymouth Township, **Montgomery County**. This is an existing discharge to Plymouth Creek.

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

The proposed effluent limits for Outfall 001, based on the average flow of a stormwater event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
COD	monitor/report	monitor/report
Total Dissolved Solids	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
Total Barium	monitor/report	monitor/report
Total Cadmium	monitor/report	monitor/report
Total Chromium	monitor/report	monitor/report
Total Lead	monitor/report	monitor/report
Total Mercury	monitor/report	monitor/report
Total Magnesium	monitor/report	monitor/report
Dissolved Magnesium	monitor/report	monitor/report
Total Selenium	monitor/report	monitor/report
Total Silver	monitor/report	monitor/report
Ammonia	monitor/report	monitor/report
Total Arsenic	monitor/report	monitor/report
Total Cyanide	monitor/report	monitor/report
Nitrate Plus Nitrite Nitrogen	monitor/report	monitor/report
Dissolved Iron	monitor/report	monitor/report
Total Organic Carbon	monitor/report	monitor/report
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions:

The EPA waiver is in effect.

PA 0050237. Sewage, **Darlington Woods Homeowners**, 400 Ashley Court, Glen Mills, PA 19342.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant in Chester Heights Borough, **Delaware County**. This is an existing discharge to East Branch of Chester Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.15 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	13	26
(11-1 to 4-30)	20	40
Total Residual Chlorine (0—2 years)	0.8	2.0
(3—5 years)	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0051934. Sewage, **Limerick Township Municipal Authority**, P. O. Box 29, Royersford, PA 19468.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Limerick Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.6 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	3.5		7.0
Total Residual Chlorine (0—2 Years)	0.5		1.2
(3—5 Years)	0.01		0.03
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	monitor		
pH	within limits of 6.0—9.0 standard units at all times		
Whole Effluent Toxicity (Ceriodaphnia Dubia)			monitor/report
(Fathead Minnow)			monitor/report
Total Copper	monitor/report		
Hardness	monitor/report		

The proposed effluent limits for Outfall 002 (extended outfall to Schuylkill River), based on an average flow of 1.6 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)	20		40
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Whole Effluent Toxicity (Ceriodaphnia Dubia)			monitor/report
(Fathead Minnow)			monitor/report

The proposed effluent limits for Stormwater Outfall 003 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			monitor/report
COD			monitor/report
Oil and Grease			monitor/report
pH			monitor/report
Total Suspended Solids			monitor/report
Total Kjeldahl Nitrogen			monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus			monitor/report
Dissolved Iron			monitor/report

The EPA waiver is not in effect.

PA 0043931. Industrial waste, **Penn Color, Inc.** 2755 Bergey Road, Hatfield, PA 19440.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from rolling mills, mixers, ball mills and production area of the company, located in Doylestown Borough, **Bucks County**. This is an existing discharge to Pine Run.

The receiving stream is classified for the following uses: trout stocking fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 4,000 gallons per day for noncontact cooling water from roll mills are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 002 based on an average flow of 15,000 gallons per day for noncontact cooling water from Baker Perkins Mixers are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 003, based on an average flow of 23,000 gallons per day for noncontact cooling water from Baker Perkins Mixer and stormwater from roof 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	1.06	2.12	2.65
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 004, based on an average flow of 135,000 gallons per day for noncontact cooling water from ball mills and media mills and stormwater from production area are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

Thermal Requirements.

Authorization to Discharge Stormwater from Outfalls 005, 006, 007, and 009.

PA 0011533. Industrial waste, **Sun Company, Inc. (R&M)** located at 3144 Passyunk Avenue, Philadelphia, PA 19145-5299.

This application is for renewal of an NPDES permit to discharge treated process wastewater, cooling water and stormwater from Girard Point Process area oil refinery industrial wastewater treatment plant in City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River Zone 4 of Delaware River Estuary.

The receiving stream is classified for warm water fish (maintenance only), migratory fish (passage only), industrial water supply, wildlife water supply, boating, fishing and navigation.

The proposed effluent limits for Outfall 001 for an emergency overflow from separator No. 4 are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110
Oil and Grease		15
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 002 for an emergency overflow from separator No. 3 of a contaminated stormwater runoff from process area are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110
Oil and Grease		15
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 004 for a noncontact cooling water from Elliott and Scaiffee air compressor surface condensers are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon (net)		5.0
Temperature		110°F
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 009 for an emergency overflow of process wastewater from separator No. 2B are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	21	42	53
Total Suspended Solids	22	34	55
Chemical Oxygen Demand	192	370	480
Oil and Grease	8	15	20
Ammonia Nitrogen	15	33	38
Sulfide	0.14	0.32	0.35
Total Chromium	0.15	0.44	0.44
Hexavalent Chromium	0.01	0.03	0.03
Phenolic Compounds	0.13	0.37	0.37
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 011 for once through cooling water from Bluebird air compressor surface condenser by separator No. 2A are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon (net)		5.0
Temperature		110°F
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 014 for an overflow from separator No. 8 are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110
Oil and Grease		15
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 015, based on an average flow of 7.3 mgd from industrial wastewater treatment plant are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	21	42	53
Total Suspended Solids	22	34	55
Chemical Oxygen Demand	192	370	480
Oil and Grease	8	15	20
Ammonia Nitrogen	15	33	38
Sulfide	0.14	0.32	0.35
Total Chromium	0.15	0.44	0.44
Hexavalent Chromium	0.01	0.03	0.03
Phenolic Compounds	0.13	0.37	0.37
Free Cyanide	monitor	monitor	
CBOD ₂₀		2,170 lbs per day	
BOD ₅ Removal		89.25%	
Fluoride	7.2		18
Total Aluminum	monitor	monitor	
Total Residual Oxidants		0.2	0.5
Total Zinc	monitor	monitor	
Phosphorus as PO ₄		monitor	
pH	within limits of 6.0—9.0 standard units at all times		
Total Copper	monitor	monitor	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Lead	monitor	monitor	
1,2-Dichloroethane	monitor	monitor	
Trichloroethylene	monitor	monitor	
Tetrachloroethylene	monitor	monitor	
Chronic Toxicity (TUc)		monitor	

Other Conditions:

- Conditions for future permit modification.
- Continuous operation of sand filter unit.
- 89.25% reduction of BOD₅ per DRBC requirements.
- Thermal Requirements.
- Authorization to discharge stormwater at Outfalls 005, 010 and 012 from roof drainage system.
- Credits for stormwater runoff, intake service water, ballast water and intake filtered water.
- Use of certain chemical additives.
- Requirements for contaminated stormwater runoff.
- Special Test Methods for certain pollutants.
- The EPA waiver is not in effect.

PA 0046868. Sewage, **Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234.

This application is for renewal of an NPDES permit to discharge treated sewage from the Chapel Hill Wastewater Treatment Plant in Lower Moreland Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Southampton Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.22 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	10	15	20
Ammonia (as N)			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Total Residual Chlorine			
(years 1 and 2)	1.0		2.0
(years 3, 4 and 5)	0.08		0.25
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 001, based on an average flow of 0.22 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper			
(years 1, 2 and 3)	monitor/report	monitor/report	
(years 4 and 5)	0.021	0.042	0.053
Dissolved Copper	monitor/report	monitor/report	
Total Zinc	monitor/report	monitor/report	
Dissolved Zinc	monitor/report	monitor/report	
Dichlorobromomethane	monitor/report	monitor/report	
Hardness as CaCO ₃	monitor/report	monitor/report	

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

PA 0061417. Industrial waste, SIC: 4911, **Northeastern Power Company**, P. O. Box 7, McAdoo, PA 18237-0007.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater and stormwater into Little Schuylkill River in Kline Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority located on the Schuylkill River.

Outfall 001—Stormwater and Plant Washdown—Flow 0.005 mgd

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	100.0	
Oil and Grease	15.0	20.0	30.0
pH	6.0 to 9.9 standard units at all times		

Outfall 002—Ash Water Storage Tank Emergency Outflow

<i>Parameter</i>	<i>Monthly Average</i>
Total Residual Chlorine	monitor and report
Total Suspended Solids	monitor and report
Oil and Grease	monitor and report
Total Copper	monitor and report
Total Lead	monitor and report
Total Chromium	monitor and report
Total Zinc	monitor and report
Total Aluminum	monitor and report
Total Iron	monitor and report
Total Manganese	monitor and report
pH	monitor and report

Outfall 003—Greenhouse Washdown—0.005 mgd

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0		30.0
pH	6.0 to 9.9 standard units at all times		
Pesticides	monitor and report		

The EPA waiver is in effect.

Outfall 002 is an emergency overflow from the ash water storage tank. The water in this tank is used for ash conditioning. Make-up water is from cooling tower blowdown, boiler blowdown and backwash water from the demineralizer treatment plant. Overflows from this tank are infrequent, occurring only under abnormal plant conditions. In the event of an overflow, monitoring is required for those parameters which are expected to be present in this type of wastewater.

Outfall 003 contains tray, bench and general washdown water from the greenhouse operation. The approximate flow is normally 500 gpd, but increases to 5,000 gpd during bulb potting operations. BEJ based limits for oil and grease and pH for this outfall are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0 to 9.0 standard units at all times	

Monitoring is required to verify the presence of or concentrations of pesticides at Outfall 003.

PA 0029432. Sewerage, **Clarks Summit State Hospital**, 1451 Hillside Drive, Clarks Summit, PA 18411.

This proposed action is for renewal issuance amendment of an NPDES permit to discharge treated sewage into Falls Creek in Newton Township, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is PP&L Electric Station on North Branch of Susquehanna.

The proposed effluent limits for Outfall 001, based on a design flow of .6 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	.5	1
(11-1 to 4-30)	1.5	3
Dissolved Oxygen	a minimum of 6 mg/l at all times	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine (1st Month—36th Month) (37th Month—Expiration)	monitor and report .02	monitor and report .04
The EPA waiver is in effect.		

PA 0061476. Sewerage, **Edgewood Mobile Home Park**, R. R. 1, Box 313, Carbondale, PA 18407.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into unnamed tributary of Ackerly Creek in Glenburn Township, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing proposed downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Authority on North Branch of Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of .02 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	4 12	8 24
Dissolved Oxygen	a minimum of 6 mg/l at all times	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine (1st Month—36th Month) (37th Month—Expiration)	monitor and report .25	monitor and report .59
The EPA waiver is in effect.		

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

PA 0083747. Industrial waste, SIC: 2421, **Weaber, Inc.**, Route 241 South, R. D. 4, Box 1255, Lebanon, PA 17042.

This application is for issuance of an NPDES permit for an existing discharge of treated sanitary waste and stormwater to Gingrich Run, in South Annville Township, **Lebanon County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.015 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 at all times		
Dissolved Oxygen	5.0 at all times		
Total Residual Chlorine (Interim) (Final)	monitor and report <0.1	XXX XXX	XXX <0.2
Total Suspended Solids	30.0	XXX	60.0
CBOD ₅	25.0	XXX	50.0
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	1.5 4.5	XXX XXX	3.0 9.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200.0 2,000.0	XXX XXX	XXX XXX

The proposed effluent limits for Stormwater Outfalls 002, 003, 004 and 005 are:

Parameter

Flow	monitor and report
pH	monitor and report
Dissolved Oxygen	monitor and report
CBOD ₅	monitor and report
Chemical Oxygen Demand	monitor and report
Total Suspended Solids	monitor and report
Total Lead	monitor and report
Total Zinc	monitor and report
Total Aluminum	monitor and report
Total Arsenic	monitor and report
Total Boron	monitor and report
Total Iron	monitor and report
Total Manganese	monitor and report
Total Beryllium	monitor and report
Total Copper	monitor and report

Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.

PA 0209732. Sewerage, SIC: 4952, **Mary Graham**, R. D. 1, Box 529 A, Woodland, PA 16881.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to Unnamed Tributary of West Branch Susquehanna River in Bradford Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0008 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
TSS	20		40
Total Cl ₂ Residual	report		report
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		200 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

PA 0041131. Sewerage, SIC: 4952, **Columbia Montour Vocational Technical School**, 5050 Sweppenheiser Drive, Bloomsburg, PA 17815-8920.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Susquehanna River (locally known as Campbell's Run) in South Centre Township, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0198 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Ammonia-N (5-1 to 10-31)	3		6
(11-1 to 4-30)	5		10
Total Cl ₂ Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

PA 0035777. Sewerage and Industrial waste, SIC: 4952, **Hoeganaes Corp.**, 1001 Taylors Lane, Cinnaminson, NJ 08077.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater and noncontact cooling water to an unnamed tributary of Muddy Run in Delaware Township, **Northumberland County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

Outfall 001 Sewage

The proposed effluent limits, based on a design flow of 0.011 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Ammonia-N (5-1 to 10-31)	20		40
(11-1 to 4-30)	no limit		no limit
Oil and Grease	15		30
Total Cl ₂ Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

Outfall 002 Noncontact Cooling Water

The proposed effluent limits, based on a design flow of 0.0085 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
TSS	report				
Temperature		100°F			
Oil and Grease	15		30		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

PA 0110680. SIC: 2434, **Wood-Mode, Inc.**, One Second Street, Kreamer, PA 17833.

This proposed action is for renewal of an NPDES permit for discharge of treated industrial waste to Middle Creek in Middlecreek Township, **Snyder County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Dauphin Consolidated Water Company located approximately 42 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0138 mgd, are:

<i>Specific Substance</i>	<i>Monthly Average</i>	<i>Instantaneous Maximum</i>
TSS	30	60
pH	6.0—9.0 su at all times	

Special conditions include monitoring for chemical additives.

The EPA waiver is in effect.

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

This application is for renewal of an NPDES permit to discharge treated sewage from the Raccoon Creek Wastewater Treatment Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Raccoon Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough W.A. located on the Ohio River.

Outfall 001: new discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(6-1 to 10-31)	3	4.5		6
(11-1 to 5-31)	7	10.5		14
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

PA 0092223. Industrial waste, SIC: 2822 and 2821, **BASF Corporation**, 370 Frankfort Road, Monaca, PA 15061.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, untreated cooling water and stormwater from BASF in Potter Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Midland Borough Water Authority, located on the Ohio River, ~6.6 miles below the discharge point.

Outfall 101: existing discharge, proposed flow of 0.066 mgd (2002—Basoplast Production) total discharge proposed flow of 0.133 mgd (2002)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Acenaphthene	0.012	0.0325	0.022	0.059	
Acrylonitrile	0.053	0.132	0.096	0.242	
Benzene	0.021	0.076	0.037	0.0136	
Carbon Tetrachloride	0.01	0.021	0.018	0.038	
Chlorobenzene	0.008	0.015	0.015	0.028	
1,2,4 Trichlorobenzene	0.037	0.077	0.068	0.140	
Hexachlorobenzene	0.008	0.015	0.015	0.028	
1,2 Dichloroethane	0.037	0.116	0.068	0.211	
1,1,1 Trichloroethane	0.011	0.029	0.021	0.054	
Hexachloroethane	0.011	0.029	0.021	0.054	
1,1 Dichloroethane	0.012	0.032	0.022	0.059	
1,1,2 Trichloroethane	0.011	0.029	0.021	0.054	
Chloroethane	0.058	0.148	0.104	0.268	
Chloroform	0.011	0.025	0.021	0.046	
2 Chlorophenol	0.018	0.055	0.031	0.098	
1,2 Dichlorobenzene	0.042	0.09	0.077	0.163	
1,3 Dichlorobenzene	0.018	0.024	0.031	0.044	
1,4 Dichlorobenzene	0.008	0.015	0.015	0.028	
1,1 Dichloroethylene	0.008	0.014	0.016	0.025	
1,2 Trans Dichloroethylene	0.011	0.029	0.021	0.054	
2,4 Dichlorophenol	0.021	0.061	0.039	0.112	
1,2 Dichloropropane	0.084	0.127	0.153	0.23	
1,3 Dichloropropylene	0.016	0.024	0.029	0.44	
2,4 Dimethylphenol	0.01	0.02	0.018	0.36	
2,4 Dinitrotoluene	0.063	0.156	0.113	0.285	
2,6 Dinitrotoluene	0.145	0.35	0.255	0.641	
Ethyl benzene	0.018	0.06	0.032	0.11	
Fluoranthene	0.014	0.037	0.025	0.068	
Methylene chloride	0.023	0.048	0.040	0.089	
Methyl chloride	0.048	0.096	0.086	0.19	
Hexachlorobutadiene	0.011	0.027	0.020	0.049	
Naphthalene	0.013	0.032	0.022	0.059	
Nitrobenzene	0.014	0.037	0.027	0.068	
2 Nitrophenol	0.023	0.037	0.041	0.068	
4 Nitrophenol	0.04	0.068	0.072	0.124	
2,4 Dinitrophenol	0.04	0.068	0.071	0.123	

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
4,6 Dinitro-o-cresol	0.043	0.153	0.078	0.272	
Phenol	0.008	0.014	0.15	0.026	
Bis(2 ethylhexyl) phthalate	0.056	0.153	0.103	0.279	
Di-n-butyl phthalate	0.014	0.031	0.027	0.057	
Diethyl phthalate	0.045	0.111	0.081	0.203	
Dimethyl phthalate	0.01	0.025	0.019	0.047	
Benzo(a)anthracene	0.013	0.032	0.022	0.059	
Benzo(a)pyrene	0.013	0.034	0.023	0.061	
3,4 Benzofluoranthene	0.013	0.034	0.023	0.061	
Benzo(k)fluoranthene	0.013	0.032	0.022	0.059	
Chrysene	0.013	0.032	0.022	0.059	
Acenaphthylene	0.013	0.032	0.022	0.059	
Anthracene	0.013	0.032	0.022	0.059	
Fluorene	0.013	0.032	0.022	0.059	
Phenanthrene	0.013	0.032	0.022	0.059	
Pyrene	0.013	0.032	0.025	0.067	
Tetrachloroethylene	0.013	0.031	0.022	0.056	
Toluene	0.014	0.043	0.026	0.080	
Trichloroethylene	0.011	0.029	0.021	0.054	
Vinyl Chloride	0.058	0.148	0.104	0.268	
Total Chromium	0.612	1.52	1.11	2.77	
Total Copper (WQ)			0.6	1.2	
Total Cyanide	0.23	0.66	0.42	1.20	
Total Lead	0.18	0.37	0.32	0.69	
Total Nickel	0.93	2.19	1.69	3.98	
Total Zinc	0.58	1.43	1.05	2.61	
BOD ₅	115	195	24	64	
TSS	225	377	40	130	
COD	2,584	3,861	624	1,660	
Oil and Grease	102	160	15	30	
Benzidine*(WQ)			0.003	0.06	
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 3.61 mgd*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)**				110	
January 1—31				67.8	
February 1—29				70.5	
March 1—August 31				110	
September 1—15				108.9	
September 16—30				102.9	
October 1—15				97.1	
October 16—31				97.1	
November 1—15				85.8	
November 16—30				72.3	
December 1—31				62.9	
pH	not less than 6.0 nor greater than 9.0				

*Highest flow projected during the life of the permit cycle. Permittee is proposing recycle option which may reduce the flows to ~0.72 mgd.

**Limits apply only after the installation of cooling towers by June 1, 2000.

Outfall 002—004: new discharge, design flow of n/a mgd—Stormwater

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease				monitor and report	
TSS				monitor and report	
Zinc				monitor and report	
Fecal Coliform				monitor and report	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Mercury					monitor and report
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.007 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
CBOD ₅			25	50	
TSS			30	60	
Fecal Coliform					
(5-1 to 9-30)		200/100 ml	(as a geometric mean)		
(10-1 to 4-30)		2,000/100 ml	(as a geometric mean)		
Total Residual Chlorine			1.4	3.5	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA 0030856. Sewage, **Western Beaver County School District**, 343 Ridgemont Drive, Midland, PA 15059.

This application is for renewal of an NPDES permit to discharge treated sewage from the Western Beaver Jr./Sr. High School STP in Industry Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as swale to unnamed tributary of Wolf Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is Midland Borough Municipal Authority, located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.032 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.1			4.2
(11-1 to 4-30)	4.4			8.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)		monitor and report		
(37th month—expiration)	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0033341. Sewage, **Robert McKool**, 1115 Pine Crest Boulevard, Johnstown, PA 15905.

This application is for renewal of an NPDES permit to discharge treated sewage from Pine Crest Estates Mobile Home Park Sewage Treatment Plant in Conemaugh Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of .022 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen	15			30
Phosphorus	monitor and report			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

Outfall 101: existing discharge, design flow of .022 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen		monitor and report		
Phosphorus		monitor and report		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205931. Sewage, **Menallen Township Sewer Authority**, P. O. Box 576, New Salem, PA 15468.

This application is for issuance of an NPDES permit to discharge treated sewage from the Upper Menallen Township Sewer Authority in Menallen Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Redstone Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Municipal Authority.

Outfall 001: existing discharge, design flow of 0.099 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 7,500/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0210820. Sewage, **Michael P. and Cheryl L. Nass**, 2670 Old State Road, Waterford, PA 16441.

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

The receiving water is classified for cold water fishery, 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 Franklin Water Department, located at Franklin on the Allegheny River, approximately 53 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	1.4	3.3
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)	6.0 to 9.0 standard units at all times	
pH		

The EPA waiver is in effect.

PA 0221031. Sewage. **Daniel E. Long**, 1499 Mercer-New Wilmington Road, New Wilmington, PA 16142.

This application is for renewal of an NPDES permit, to discharge treated sewage to an Unnamed Tributary of Little Neshannock Creek in East Lackawannock 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 Municipal Authority of the Township of North Sewickley on the Beaver River located at river mile 7.56 miles, which is 30 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field 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 these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0063282	Fairland Sewer Co. 5426 Route 873 Schnecksville, PA 18078	Lehigh North Whitehall Twp.	CWF	TRC

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

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

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

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

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

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

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

WQM Permit No. 4698440. Sewerage. **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. This project is for the construction and operation of a 12" diameter sanitary sewer on Township Line Road located in Limerick Township, **Montgomery County**.

WQM Permit No. 1598422. Sewerage. **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460. This project is for the construction and operation to replace the existing Perkiomen Pump Station located in Schuylkill Township, **Chester County**.

WQM Permit No. 0998422. Sewerage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This project is for the construction and operation of a 310,000 gallon equalization tank at the headworks of the Harvey Avenue WWTP located in Doylestown Borough, **Bucks County**.

WQM Permit No. 1598423. Sewerage. **East Vincent Municipal Authority**, 262 Ridge Road, Spring City, PA 19475. This project is for the construction and operation of a dechlorination system and modifications to the existing chlorination system located in East Vincent Township, **Chester County**.

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

A. 4598407. Sewerage. **Penn Estates Utilities, Inc.**, 503 Hallet Road, East Stroudsburg, PA 18301. Application to upgrade existing sewage treatment plant, located in Stroud Township, **Monroe County**. Application received in the Regional Office—November 10, 1998.

A. 5298404. Sewerage. **Delaware Valley School District**, 236 Routes 6 and 209, Milford, PA 18337. Application to modify existing sewage treatment plant, located in Dingman Township, **Pike County**. Application received in Regional Office—November 10, 1998.

A. 5498403. Sewerage. **Rush Township Sewer Authority**, R. D. 1, Box 1389B, Tamaqua, PA 18252. Application for sanitary sewer improvements, located in Rush Township, **Schuylkill County**. Received in the Regional Office—November 12, 1998.

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

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

A. 0771402, Amendment 98-1. Sewage, submitted by **Borough of Tyrone**, 1100 Logan Avenue, Tyrone, PA 16686 in Snyder Township, **Blair County** to construct and upgrade to their existing wastewater treatment plant was received in the Southcentral Region on November 6, 1998.

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

A. 6398407. Sewerage. **Keith Thurner**, 21 Saw Mill Road, Finleyville, PA 15332. Application for the construction and operation of a small flow sewage treatment plant to serve the Thurner residence located in Nottingham Township, **Washington County**.

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

WQM Permit No. 3796201, Amendment No. 1. Industrial waste. **Farmers Dairy Foods, Inc.**, R. R. 1, Box 111B, New Wilmington, PA 16142. This project is for the modification of an existing treatment facility by the addition of a solid liquid separator downstream of the anaerobic treatment units in Wilmington Township, **Lawrence County**.

**INDIVIDUAL PERMITS
(PAS)**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. 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 Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

NPDES Permit PAS10-G349. Stormwater. **Bat-tenkill Properties**, 322 Kennett Pike, P. O. Box 895, Mendenhall, PA 19357, has applied to discharge stormwater from a construction activity located in Wallace and West Brandywine Townships, **Chester County**, to Indian Run.

NPDES Permit PAS10-G350. Stormwater. **Bruce Vanderhoef**, 341 Fremont Road, Nottingham, PA 19362, has applied to discharge stormwater from a construction activity located in Lower Oxford Township, **Chester County**, to East Branch of Big Elk Creek.

NPDES Permit PAS10-T014-R. Stormwater. **Linfield Corporate Center**, 55 County Club Drive, Suite 200, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in Limerick Township, **Montgomery County**, to Unnamed Tributary to the Schuylkill River.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Franklin County Conservation District, District Manager, 550 Cleveland Avenue, Chambersburg, PA 17201, (717) 264-1720.

NPDES Permit PAS-10-M102. Stormwater. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676, has applied to discharge stormwater from a construction activity located in Fannett, Metal and Lurgan Townships, **Franklin County**, to West Branch Conococheague Creek.

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

NPDES Permit PAS10K022. Stormwater. **Steven C. Rapp**, 8050 Hamot Road, Erie, PA 16509, has applied to

discharge stormwater from a construction activity located in Millcreek Township, **Erie County**, to Walnut Creek and Thomas Run.

SAFE DRINKING WATER

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

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

A. 4698507. Public water supply. **The Klein Company**, 1700 Market Street, Suite 2600, Philadelphia, PA 19103-3861. This proposal involves the construction of a booster pump station and storage tank in Limerick Township, **Montgomery County**.

A. 1598518. Public water supply. **City of Coatesville Authority**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. This proposal involves the installation of a water main extension, a 200,000 gallon storage tank and two pumps in West Caln Township, **Chester County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

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

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

Realen Limited Partner, Inc., Middletown Township, **Delaware County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soil contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide health standard.

Estate of Claire R. Becker, Plumstead Township, **Bucks County**. Joseph M. Aspinall, ANCO Environmental Services, 35 Russo Place, P. O. Box 188, Berkeley Heights, NJ 07922-0188, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

Murata-Wiedemann Facility (Former), Upper Merion Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health and background standards.

Matthew McKenny Residence, Lower Southampton Township, **Bucks County**. Brian R. Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted.

David Lehequet Residence, Lower Southampton Township, **Bucks County**. Brian R. Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A Final Report was simultaneously submitted.

Penns Park Road Spill Site, Wrightstown Township, **Bucks County**. Steven E. Jakatt, P.G., Kleeman Associates, Inc., 1500 South Delaware Avenue, Suite 200, Philadelphia, PA 19147, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

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

Wirth Property (2407 Sycamore Street), Wilson Borough, **Northampton County**. David Crowther, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate (on behalf of his client, Barclay Contracting, Inc., 1040 North Jerome Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons. The applicant proposes to meet the Statewide human health standard. A Final Report was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

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

Pittsburgh International Airport, Old Terminal, Fuel Farm Area, Moon Township, **Allegheny County**. Allegheny Department of Aviation, Pittsburgh International Airport, Landside Terminal, Suite 400, P. O. Box 12370, Pittsburgh, PA 15231-0370 and Brad D. Cook, Camp, Dresser & McKee, 200 Fleet Street, Pittsburgh, PA 15220 has submitted a Notice of Intent to Remediate soil contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on September 11, 1998.

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

Fenestra Corporation, 4040 W. 20th Street, Erie, PA, **Erie County**, City of Erie, has submitted a Notice of Intent to Remediate groundwater and soil. The site has been found to be contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard and the background standard. The Notice of Intent to Remediate was reported to be published in the *Erie Daily Times* on October 21, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circula-

tion in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediation of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediation of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

PNC Bank, N. A., City of Philadelphia, **Philadelphia County**. Robert J. Bucola, P.G., RT Environmental Services, Inc., 510 Heron Drive, Suite 306, P. O. Box 521, Bridgeport, NJ 08014, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on October 21, 1998.

Metroplex Corporate Center, Plymouth Township, **Montgomery County**. Kimberly L. Ward, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate site soil contaminated with asbestos. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Montgomery Life* on October 22, 1998.

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

ICI Explosives USA Inc.—Wakefield Property, Walker Township, **Schuylkill County**. Daria L. Killinger, Counsel, ICI Explosives USA Inc., 2452 Horseshoe Trail, Chester Springs, PA 19425 has submitted a Notice of Intent to Remediate (on behalf of her client, ICI Explosives USA Inc., One River Road, Tamaqua, PA 18252) concerning the remediation of site soils and groundwater found to be contaminated with lead and other metals. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lehigh Valley Times-News* on October 9, 1998.

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

LTV Steel Company, Inc. Coke Plant, City of Pittsburgh, **Allegheny County**. LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114 and Martin C. Knuth, Civil and Environmental Consultants, Inc., 601 Holiday Drive, Foster Plaza 3, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, 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 31, 1998.

SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 400618. The Milton S. Hershey Medical Center, (500 University Drive, Hershey, PA 17033-0850). Application for permit renewal for a pathological and infectious waste incinerator for a site in Derry Township, **Dauphin County**. Application determined to be administratively complete in the Regional Office November 6, 1998.

A. 100739. Western Berks Refuse Authority, (455 Poplar Neck Road, Birdsboro, PA 19508). Application for major modification for Cell 5 expansion and restructuring Cell 4 for a site in Cumru Township, **Berks County**. Application administratively complete in the Regional Office November 6, 1998.

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

A. 300717. Major Permit Modification. Pine Hill Landfill & Reclamation Operation, Pine Hill Inc. (P. O. Box 62, Blossburg, PA 16912-0062). Application for major permit modification of existing residual waste landfill located in Ward Township, **Tioga County**, received in the regional office on October 30, 1998.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Written comments or objections, or request for informal conferences on applications, may be submitted by any

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

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

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

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

Coal Applications Received

56793032. Permit Renewal, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine, for reclamation, only in Summit and Brothersvalley Townships, **Somerset County**, affecting 262.9 acres, receiving stream unnamed tributary to Blue Lick Creek; unnamed tributaries to Casselman River; to Blue Lick Creek. Application received November 5, 1998.

32940109. Revision, **KMP Associates** (R. D. 2, Box 194, Avonmore, PA 15618), to conduct surface coal mining, augering and blasting activities. The present 119.6 acre operation is being modified by the addition of 13.5 acres, of which 5.0 are coal acres on the Pittsburgh coal seam, to the surface mine permit for a new total of 133.1 acres. A variance has been requested to conduct support activities within 100 feet of an unnamed tributary to Whisky Run, and also, to modify and upgrade an existing pipe crossing over an unnamed tributary to Whisky Run in Young Township, **Indiana County**, receiving stream unnamed tributary to/and Whisky Run. Application received November 6, 1998.

56930110. Permit Renewal, **Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in

Black Township, **Somerset County**, affecting 129.0 acres, receiving stream unnamed tributaries to Rhoades Creek; Rhoades Creek; unnamed tributary to Isers Run; and unnamed tributary to Casselman River. Application received November 9, 1998.

56753048. Permit Renewal, **Gray Mining Company, Inc.** (1134 Stoystown Road, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 296.0 acres, receiving stream to Stony Creek. Application received November 6, 1998.

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

65840119. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Application received to revise permit for a stream relocation and to add 1.1 acres at a bituminous surface mining site located in Derry Township, **Westmoreland County**, currently affecting 630.3 acres. Receiving streams: unnamed tributary of Stony Run and unnamed tributaries of McGee Run to Conemaugh Run. Application received: November 5, 1998.

65950111. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Application received to revise permit for a road variance and stream encroachment, and to add 5 acres at a bituminous surface mining site located in Derry Township, **Westmoreland County**, currently affecting 73.8 acres. Receiving streams: unnamed tributary to Saxman Run and unnamed tributary to Miller Run to Loyalhanna Creek to Kiskiminetas River. Application received: November 6, 1998.

03960102. **Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Application received to revise permit for a road variance and to add 22.0 acres to an existing bituminous surface auger mine located in Sugarcreek Township, **Armstrong County**, currently affecting 278.8 acres. Receiving streams: unnamed tributaries of Snyder Run and Snyder Run to the Allegheny River. Application received: November 9, 1998.

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

17900140. **Junior Coal Contracting, Inc.** (R. D. 3, Box 225-A, Philipsburg, PA 16866), major permit revisions to an existing bituminous surface mine permit which include a change in permit acreage from 60.9 to 63.9 acres, adding 6.7 acres of Lower Freeport coal and 3.0 acres of Upper Kittanning coal and add augering of the Upper Kittanning coal seam, Decatur Township, **Clearfield County**. Receiving streams: unnamed tributary to Laurel Run. Application received October 30, 1998.

17900105. **Southwest Reclamation, Inc.** (P. O. Box 1419, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for a change in permit acreage from 86.4 to 88.6 acres, Huston Township, **Clearfield County**. Receiving streams: Bennett Branch and Horning Run. Application received November 2, 1998.

17910101. **Warquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), revision to add augering to an existing bituminous surface mine permit in Knox Township, **Clearfield County**, affecting 47.1 acres, receiving streams: Carson Run and unnamed tributary of Potts Run. Application received November 5, 1998.

14940101. **Power Operating Co., Inc.** (P. O. Box 25, Osceola Mills, PA 16666), major permit modification to apply biosolids (stabilized sewage sludge) to enhance

vegetation on an existing bituminous surface mine permit in Rush Township, **Centre County**, affecting 522 acres, receiving streams; unnamed tributary to Moshannon Creek. Application received November 9, 1998.

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

33890102. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Knox Township, **Jefferson County** affecting 90.0 acres. Receiving streams: Three unnamed tributaries to Sandy Lick Creek. Application for reclamation only. Application received November 9, 1998.

16830113. Colt Resources, Inc. (R. D. 3, Box 48A, Clarion, PA 16214) Renewal of an existing bituminous surface strip and tippel refuse disposal operation in Perry Township, **Clarion County** affecting 112.5 acres. Receiving streams: Two unnamed tributaries to the Clarion River. Application received November 10, 1998.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

65981701. LTV Steel Co., Inc. (200 Public Square, Cleveland, OH 44114-2308), to operate the Banning AMD Plants in Rostraver Township, **Westmoreland County**, new IW permit, unnamed tributary to Youghiogheny River. Application received October 5, 1998.

56951301. RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Agustus Mine in Shade Township, **Somerset County**, to add haulroad to surface site, no additional discharges. Application received October 15, 1998.

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

54910206R. Meadowbrook Coal Co., Inc. (Box 477, Lykens, PA 17048), renewal of an existing coal refuse reprocessing operation in Tremont Township, **Schuylkill County**, affecting 190.0 acres, receiving stream—Stumps Run. Application received November 6, 1998.

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

Small Industrial Minerals Applications Received

32982801. Penn Run Quarry (R. D. 1, Box 29A, Penn Run, PA 15765), in Cherryhill Township, **Indiana County**, affecting 10 acres, receiving stream unnamed tributaries to Penn Run. Application received November 6, 1998.

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

Noncoal Applications Received

64730304C. Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231), correction to an existing quarry operation in Dennison Township, **Luzerne County** affecting 90.0 acres, receiving stream—Wright Creek. Application received November 2, 1998.

67870301C2. York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405-1708), renewal of NPDES Permit No. PA0010235 in West Manchester Township, **York County**, receiving stream—Willis Run. Application received November 5, 1998.

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

The following permit applications and requests for Environmental Assessment approval and requests for

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

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E15-598. Encroachment. Mary and Mark Gruber, 688 Strickersville Rd., Landenberg, PA 19350. To excavate within the 100-year floodway of an unnamed tributary to Big Elk Creek (HQ-TSF-MF) to provide storage behind a proposed non-scope dam which will serve as an irrigation pond on a Christmas tree farm. The site is located at 688 Strickersville Road in Landenberg (Newark West, DEL-MD-PA Quadrangle N: 2.4 inches; W: 9.0 inches) in Elk Township, **Chester County**. The application also includes a request for an Environmental Assessment approval concerning the construction of the above referenced non-scope dam.

E46-823. Encroachment. Five Tower Bridge Assoc., 100 Front Street, Suite 900, West Conshohocken, PA 19428. To construct and maintain a ground level parking lot which is partially located in the floodway of the Schuylkill River, associated with construction of Five Tower Office Facility. The work will also include construction of an 18-inch RCP stormwater outlet structure and to remove an abandoned 36-inch by 32-inch storm drain along the bank of the Schuylkill River (WWF-MF). This site is located approximately 300 feet northeast of the intersection of Front Street and William Street (Norristown, PA Quadrangle N: 12.8 inches; W: 8.6 inches) in West Conshohocken Borough, **Montgomery County**.

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

EA40-005NE. Encroachment. PA Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square—5th Floor, Wilkes-Barre, PA 18711-0790. To backfill a 0.88 acre water body contained within an 8.4 acre abandoned strip mine pit in conjunction with Abandoned Mine Reclamation Project OSM 40(2135) 102.1, Lee Park Southwest (Wilkes-Barre, PA West Quadrangle N: 17.25 inches; W: 7.12 inches),

Hanover Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

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

E08-341. Encroachment. **Kevin Bozman**, R. R. 4, Box 248, Towanda, PA 18848-8929. To place and maintain fill in 0.06 acre of a palustrine emergent wetland system for the purpose of constructing a road to access a home. The site is located approximately 2.0 miles north of the SR 006/SR 0187 intersection in Wysox on the east side of Lake Hill Road (SR 1029). (Towanda, PA Quadrangle N: 8.9 inches; W: 3.5 inches) in Wysox Township, **Bradford County**.

E19-181. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span concrete beam bridge with a 40 foot clear span on a 75 degree skew, with a curb width of 29.6 feet and an average underclearance of 7.2 feet and to construct a temporary stream crossing over Elk Run on SR 4049 approximately 0.25 mile east of the Columbia County boundary line (Elk Grove, PA Quadrangle N: 10.1 inches; W: 4.4 inches) in Sugarloaf Township, **Columbia County**. Estimated stream disturbance is 70 feet of waterway with no wetland impact; stream classification is Exceptional Value.

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

E26-250. Encroachment. **Consolidated Rail Corporation**, Room 12A Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1412. To construct and maintain river bank protection for a total length of 1,400 feet at the right bank of the Monongahela River (WWF) located near Masontown and New Geneva for the purpose of stabilizing the railroad embankment (Masontown, PA Quadrangle N: 7.5 inches; W: 4.8 inches) in Nicholson Township, **Fayette County**.

E32-395. Encroachment. **Montgomery Township**, P. O. Box 133, Arcadia, PA 15712. To remove the existing structure and to construct and maintain a low flow roadway crossing consisting of five 48-inch RCP culverts in Cush Creek (CWF, Stocked) for the purpose of providing access to heavy truck traffic. The project is located on T-436 (Brown Road) off of S. R. 879 (Burnside, PA Quadrangle N: 10.9 inches; W: 12.3 inches) in Montgomery Township, **Indiana County**.

E65-713. Encroachment. **Helen Newhouse**, 5 Sunshine Road, Herminie, PA 15637. To operate and maintain a single span bridge having a normal span of 10.0 feet and an underclearance of 6.3 feet across an unnamed tributary to Little Sewickley Creek (TSF) constructed under the Department's Emergency Permit No. EP6598206. The bridge is located off of Sunshine Road (Irwin, PA Quadrangle N: 2.9 inches; W: 13.0 inches) in Sewickley Township, **Westmoreland County**.

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

E10-290. Encroachment. **Butler County**, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing structure (County Bridge No. 63, Studebaker Bridge) and to construct and maintain a steel beam bridge with a single clear span of 23 feet and a maximum underclearance of 6 feet on T-344 (Dickey Road) across Black Run (CWF). The project is located on T-344 (Dickey Road)

across Black Run approximately 1,100 feet southeast of the intersection of T-344 (Dickey Road) and T-890 (West Plank Road) located in the village of Jacksville (Slippery Rock, PA Quadrangle N: 2.9 inches; W: 15.4 inches) located in Worth Township, **Butler County**.

E42-260. Encroachment. **Foster Township**, 1185 East Main Street, Bradford, PA 16701. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge with a single normal span of 11.0 meters and a minimum underclearance of 2.85 meters on T-361 (Totten Hollow Road) across Kendall Creek (WWF). This project will also utilize a temporary roadway with six 1.5 meter diameter culverts and fill across Kendall Creek, and fill placed in 0.1 hectare (de minimis) of wetland. This project is located on T-361 (Totten Hollow Road) across Kendall Creek approximately 200 meters northeast of the intersection of T-361 (Totten Hollow Road) and S. R. 0046 (Derrick City, PA Quadrangle N: 12.3 inches; W: 12.8 inches) located in Foster Township, **McKean County**.

E10-291. Encroachment. **Cranberry Commous Joint Venture L. P.**, Donald Rodgers, 215 Executive Drive, Cranberry Township, PA 16066. To authorize the following:

1. Placement of fill in 3.34 acres of five separate wetlands;

2. Placement of fill within 2,840 linear feet of a tributary to Brush Creek (WWF, contributory drainage area 160 acres); and

3. Placement and maintenance of a 36-inch-diameter by 177-foot-long stream enclosure for a roadway crossing in a tributary to Brush Creek for the development of a retail shopping complex.

This project is located north of S. R. 0228 approximately 0.85 mile east of the intersection of S. R. 0228 and S. R. 0019 in Cranberry Township. In addition, this project will include:

1. The creation of 3.6 acres of replacement wetlands in two separate locations. A 0.7 acre replacement area will be constructed at the outlet to Stormwater Basin No. 2, and a 2.9 acre replacement area will be constructed within Stormwater Basin No. 1; and

2. The creation of 2,640 linear feet of replacement stream channel. (Mars, PA Quadrangle N: 14.5 inches, W: 13.5 inches) located in Cranberry Township, **Butler County**.

E16-107. Encroachment. **Waterfront Boatworks**, P. O. Box 472, East Brady, PA 16028. To construct and maintain a 20-inch-diameter outfall pipe and associated fill and riprap outlet protection along the left bank of the Allegheny River at River Mile 69.1 as an extension of an existing stormwater outfall pipe and erosion protection at the Waterfront Boatworks facility along S. R. 0068 (East Brady, PA Quadrangle N: 20.3 inches; W: 16.3 inches) located in East Brady Borough, **Clarion County**.

E37-124. Encroachment. **Lawrence County Commissioners**, Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. To rehabilitate and maintain the Banks Covered Bridge having a span of 122 feet and an underclearance of 16 feet across Neshannock Creek on T-476 (Covered Bridge Road) approximately 1,100 feet north of S. R. 0956 (New Castle North, PA Quadrangle N: 16.6 inches; W: 5.2 inches) located in Wilmington Township, **Lawrence County**.

ENVIRONMENTAL ASSESSMENT

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

EA15-004SE. Environmental Assessment. **Majesty Properties, Inc.**, 227 William Penn Blvd., West Chester, PA 19380. To construct, operate and maintain an on-stream non-jurisdictional dam to provide stormwater management and roadway access at the Locksley Glen Subdivision. The dam will impact approximately 0.28 acre of wetland (PFO). This dam is located across an unnamed tributary to Tweed Creek (TSF) at a point 2,100 feet southwest from the intersection of Wedgewood Rd. and Locust St. (Oxford, PA Quadrangle N: 4.2 inches; W: 16.95 inches) in East Nottingham Township, **Chester County**.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

Permits Issued

WQM Permit No. 0998411. Sewerage, **James M. Mini**, 1422 Hilltown Pike, Hilltown, PA 18927. This project is for the construction and operation of a small

flow treatment facility located in Hilltown Township, **Bucks County**.

WQM Permit No. 2398408. Sewerage. **Brandywine Operating Partnership**, 1622 Campus Boulevard, Suite 150, Newtown Square, PA 19073. This project is for the construction and operation of Newtown Square Corporate Center STP located in Newtown Township, **Delaware County**.

WQM Permit No. 2398406. Sewerage. **Upper Providence Township Sewer Authority**, 935 N. Providence Road, Media, PA 19063. This project is for the construction and operation of forcemains and pump stations which will replace an existing Braves Trail pump station located in Upper Providence Township, **Delaware County**.

NPDES Permit No. PA0024422. Sewage. **Lower Salford Township Authority**, P. O. Box 243, Harleysville, PA 19483 is authorized to discharge from a facility located at Lower Salford-Harleysville STP located in Lower Salford Township, **Montgomery County** to the receiving waters named unnamed tributary to Indian Creek.

NPDES Permit No. PA0052221. Industrial waste. **PECO Energy Company**, 2301 Market Street S21-2, Philadelphia, PA 19101-8699 is authorized to discharge from a facility located at Bradshaw Reservoir located in Bedminster Township, **Bucks County** to receiving waters named East Branch of Perkiomen Creek.

NPDES Permit No. PA0039004. Sewage. **Upper Gwynedd—Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446 is authorized to discharge from a facility located at Upper Gwynedd—Towamencin Municipal Authority STP located in Towamencin Township, **Montgomery County** to receiving waters named Towamencin Creek.

NPDES Permit No. PA0011002. Industrial waste. **American Inks and Coatings Corporation**, P. O. Box 803 Valley Forge, PA 19428 is authorized to discharge from a facility located at American Inks and Coating Corporation—NCCW and SWRO located in Schuylkill Township, **Chester County** to receiving waters named Schuylkill River.

NPDES Permit No. PA0012572. Industrial waste. **Jefferson Smurfit Corporation (U. S.)** 5000 Flat Rock Road, Philadelphia, PA 19127 is authorized to discharge from a facility located at Jefferson Smurfit Corporation (US) located in the City of Philadelphia to receiving waters named Schuylkill River.

NPDES Permit No. PA0011631. Amendment No. 1 Industrial waste. **PECO Energy Company**, 2301 Market Street, S21-2, Philadelphia, PA 19101-8699 is authorized to discharge from a facility at Cromby Generating Station located in East Pikeland Township, **Chester County** into Schuylkill River and Outfall 007 to Stony Run.

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

NPDES Permit No. PA-0063835. Industrial waste. **Richard Burroughs**, Burroughs Fuels, Inc., 1450 North 5th Street, Stroudsburg, PA 18360 is authorized to discharge from a facility located in Kidder Township, to Mud Run.

NPDES Permit No. PA-0061085. Sewerage. **Glenburn Service Company**, P. O. Box O, Clarks Summit, PA 18411 is authorized to discharge from a facility located in Glenburn Township, **Lackawanna County**, to Ackerly Creek

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

NPDES Permit No. PA0221058. Sewerage. **Kirk D. Hummer**, R. R. 1, Box 21, Grand Valley, PA 16420 is authorized to discharge from a facility located in Eldred Township, **Warren County** to an Unnamed Tributary of Caldwell Creek.

NPDES Permit No. PA0220981. Sewerage. **Darrell L. Kysor (Kysor & Swarm)**, P. O. Box 34, Corry, PA 16407 is authorized to discharge from a facility located in Elgin Borough, **Erie County** to Beaver Run.

NPDES Permit No. PA0222593. Sewerage. **William C. Hickman**, 104 Atlantic Avenue, Elizabeth, PA 15037 is authorized to discharge from a facility located in North East Township, **Erie County** to an unnamed tributary to Sixteen Mile Creek.

NPDES Permit No. PA0222674. Sewerage. **McKean Township Sewer Authority**, P. O. Box 88, McKean, PA 16426-0088 is authorized to discharge from a facility located in McKean and Fairview Townships, **Erie County** to Elk Creek.

NPDES Permit No. PA0040517. Sewerage. **Idyll Whyte Village Mobile Home Park**, 400 Skyline Drive, McKean, PA 16426 is authorized to discharge from a facility located in McKean Township, **Erie County** to Elk Creek.

NPDES Permit No. PA0222585. Sewerage. **Brokenstraw Valley Area Authority**, Box 155, Youngsville, PA 16371 is authorized to discharge from a facility located in Pleasant Township, **Warren County** to the Allegheny River.

WQM Permit No. 6298413. Sewerage. **Roger E. Chelton, SRSTP**, R. R. 1, Box 17, Bear Lake, PA 16402-9609. Construction of Roger E. Chelton SRSTP located in Freehold Township, **Warren County**.

WQM Permit No. 2598412. Sewerage. **Timothy D. Klein, SRSTP**, 1201 Sirak Dr., Fairview, PA 16415-1407. Construction of Timothy D. Klein SRSTP located in LeBouef Township, **Erie County**.

INDIVIDUAL PERMITS (PAR)

Approvals to Use NPDES and/or Other General Permits

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

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

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

List of NPDES and/or other General Permit Type

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

*General Permit Type—PAG-2**Facility Location
County and
Municipality**Permit No.**Applicant Name
and Address**Receiving Stream
or Body of Water**Contact Office and
Telephone No.*Erie County,
Washington Township

PAR10K117

13041 Capp Road, Box 1
Edinboro, PA 16412Unnamed
Tributary to
Conneautee CreekErie Conservation
District
12723 Route 19
P. O. Box 801
Waterford, PA 16441
(814) 796-4203Clarion County,
Porter and Limestone
Townships

PAR101520

Bureau of Abandoned Mine
Reclamation
Div. of Acid Mine Drainage
Abatement
P. O. Box 8476
Harrisburg, PA 17105-8476Unnamed
Tributary to
Leatherwood CreekDEP, Northwest Region
Water Mgt. Program
Manager, 230 Chestnut
St.
Meadville, PA
16335-3481
(814) 332-6942Allegheny County
Moon Township

PAR10A062R

Anglo Falcone
382 West Chestnut St.
Washington, PA 15301

Narrows Run

Allegheny County CD
(412) 241-7645Allegheny County
North Fayette
Township

PAR10A242

James Dinert
116 Kenyon Road
Pittsburgh, PA 15205

Montour Run

Allegheny County CD
(412) 241-7645Allegheny County
Pleasant Hills Borough

PAR10A281

Pleasant Hills Construction
Company
60 Terrace Drive
Pittsburgh, PA 15236

Lick Run

Allegheny County CD
(412) 241-7645Allegheny County
Bethel Park Borough

PAR10A282

M&PB Investments
1230 Grant Building
Pittsburgh, PA 15219

Piney Fork

Allegheny County CD
(412) 241-7645Allegheny County
Pine Township

PAR10A287

Bar Development Company
772 Pine Valley Road
Pittsburgh, PA 15239

Pine Creek

Allegheny County CD
(412) 241-7645Allegheny County
Kennedy Township

PAR10A293

Springer, Bush & Perry
500 Cherrington Parkway
Suite 420
Coraopolis, PA 15108

Porter Run

Allegheny County CD
(412) 241-7645Allegheny County
North Fayette
Township

PAR10A296

Western Allegheny County
Municipal Authority
403 Virginia Avenue
Oakdale, PA 15071

UNT Robinson Run

Allegheny County CD
(412) 241-7645Allegheny County
Pine Township

PAR10A297

Palm Springs Development,
LLC
10521 Perry Highway
Wexford, PA 15090

Pine Creek

Allegheny County CD
(412) 241-7645Allegheny County
City of Pittsburgh

PAR10A299

Giant Eagle, Inc.
1155 Meadowbrook Avenue
Youngstown, OH 44512

Chartiers Creek

Allegheny County CD
(412) 241-7645Allegheny County
North Versailles
Township

PAR10A303

North Versailles Outparcels
LC
CDS 5 Screen LLC
Commonwealth Warehouse
Building
123 36th Street
Pittsburgh, PA 15201

Turtle Creek

Allegheny County CD
(412) 241-7645Allegheny County
Oakmont Borough

PAR10A304

Oakmont Zeta Associates
550 Washington Avenue
Carnegie, PA 15106

Plum Creek

Allegheny County CD
(412) 241-7645Allegheny County
West Deer Township
Richland Township

PAR10A308

Richland Township
4011 Dickey Road
Gibsonia, PA 15044

Deer Creek

Allegheny County CD
(412) 241-7645

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Armstrong County City of Parker	PAR10B026	City of Parker Box 350 Parker, PA 16049	UNT Allegheny River	Armstrong County CD (724) 548-3425
Armstrong County Washington Township	PAR10B027	DEP Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Allegheny River	Armstrong County CD (724) 548-3425
Cambria County Ebensburg Borough Cambria Township	PAR101047-1	Wal-Mart Plaza Ebensburg Properties L. P. Manor Complex—Suite 700 564 Forbes Avenue Pittsburgh, PA 15219-2903	UNT Blacklick Creek	Cambria County CD (724) 472-2120
Cambria County Johnstown City	PAR101049	Greater Johnstown Water Authority P. O. Box 1287 Johnstown, PA 15907-1287	Bens Creek Stony Creek Little Conemaugh River	Cambria County CD (724) 472-2120
Fayette County South Union Township	PAR10L045	CHL Development R. D. 1, Box 296A Hopwood, PA 15445	Redstone Creek	SW Regional Office (412) 442-4315
Washington County South Strabane Township	PAR10W128	Gustine Washington Associates 2100 Wharton Street Suite 700 Pittsburgh, PA 15203	Chartiers Creek	Washington County CD (724) 228-6774
Washington County North Franklin Township	PAR10W129	North Franklin Township Rec. & Business Auth. The Hood Insurance Bldg. 382 W. Chestnut Street Washington, PA 15301	Chartiers Creek	Washington County CD (724) 228-6774
Bensalem Township Bucks County	PAR10-D407	3057 Mechanicsville Road LP c/o Shooster Development Company 521 East Baltimore Pike Media, PA 19063	Poquessing Creek	Bucks County Conservation District 924 Town Center New Britain, PA 18901
Bensalem Township Bucks County	PAR10-D403	The Rubenstein Co LP 4100 One Commerce Street 2005 Market Street Philadelphia, PA 19103	Poquessing Creek	Bucks County Conservation District 924 Town Center New Britain, PA 18901
Richlandtown Borough Bucks County	PAR10-D342	Roland P. Amey Jr. P. O. Box 579 Richlandtown, PA 18955	Tohickon Creek	Bucks County Conservation District 924 Town Center New Britain, PA 18901
Warrington Township Bucks County	PAR10-D375	Legacy Oaks Development Assoc. LP c/o Barness Organization 975 Easton Rd. Warrington, PA 18976	Mill Creek	Bucks County Conservation District 924 Town Center New Britain, PA 18901
Upper Providence Township Montgomery County	PAR10-T476	Pitcairn Properties Inc. 165 Township Line Road Suite 1500 Jenkintown, PA 19046	Doe Run	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Upper Merion Township Montgomery County	PAR10-T477	Liberty Property Trust 65 Valley Stream Parkway Great Valley Malvern, PA 19355	Matsunk Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hatfield Township Montgomery County	PAR10-T429	BonBrit Development Corp. 538 E. Main Street Lansdale, PA 19446	Lansdale Tributary to Neshaminy Creek West Branch	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Lower Salford Township Montgomery County	PAR10-T372	W. B. Homes Inc. 538 E. Main Street Lansdale, PA 19446	Unnamed tributary to the West Branch of Skippack Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Whitpain Township Montgomery County	PAR10-T445	ACTS Inc. 375 Morris Road P. O. Box 90 West Point, PA 19486	Wissahickon Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Upper Merion Township Montgomery County	PAR10-T458	Upper Merion School District 435 Crossfield Rd. King of Prussia, PA 19406	Crow Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Montgomery Township Montgomery County	PAR10-T448	Allan Napen/Nappen & Associates 119 Keystone Drive Montgomeryville, PA 18936	Park Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Upper Dublin Township Montgomery County	PAR10-T469	Upper Dublin School District 530 Twining Road Dresher, PA 19025	Tributary to Wissahickon Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Lower Providence Township Montgomery County	PAR10-T404	Stewart and Conti Development Co. 3130 Mill Road Fairview Village, PA 19403	Skippack Creek and tributary to Perkiomen Creek	Montgomery County Conservation District 1015 Bridge Road, Suite B Collegeville, PA 19426
Lower Chichester Township Delaware County	PAR10-J134	Corporate Express 1 Environmental Way Bromfield, CO 80021	Delaware River	Delaware County Conservation District Rose Tree Park— Hunt Club 1521 N. Providence Road Media, PA 19063
Lackawanna County S. Abington Township	PAR10N073	Jack Mahlmann 304 S. State St. Clarks Summit, PA 18411	Buttermilk Creek	Lackawanna CD (717) 281-9495
Lehigh County Upper Saucon Township	PAR10Q108	Wedgewood Golf Course, Inc. Maryalyce S. Schulze 1753 Panther Valley Rd. Pine Grove, PA 17963	Saucon Creek	Lehigh CD (610) 391-9583
Biglerville Borough Adams County	PAR-10-0074	Upper Adams School District North Main Street Biglerville, PA 17307	Conewago Creek	Adams County CD 57 N. Fifth Street Gettysburg, PA 17325 (717) 334-0636

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Carlisle Borough Cumberland County	PAR-10-H188	Ritner Park Associates Watts Business Center 625 Hamilton Street Carlisle, PA 17013	Conodoguinet Creek	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Derry Township Dauphin County	PAR-10-I160	RVG Management & Dev. Company 100 North Front Street, Suite 240 Wormleysburg, PA 17403	Spring Creek	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lower Swatara Township Dauphin County	PAR-10-I168	Bob Associates 1020 North Hartley Street P. O. Box 2587 York, PA 17405	Swatara Creek	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Steelton Borough Dauphin County	PAR-10-I171	Chemetron c/o FTF Construction 533 West Chocolate Avenue Suite 200 Hershey, PA 17033	Susquehanna River	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Middle Paxton Township Dauphin County	PAR-10-I167	Kinsley Construction Inc. 111 Hagy Lane P. O. Box 4058 Dauphin, PA 17018	Susquehanna River	Dauphin County CD 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
North Lebanon Township Lebanon County	PAR-10-P083	Hess Home Builders, Inc. 15 Meadow Lane Lancaster, PA 17601	UNT Swatara Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
North Cornwall Township Lebanon County	PAR-10-P084	Caklea Corporation 103 Farmstead Circle Lebanon, PA 17042	Snitz Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
South Lebanon Township Lebanon County	PAR-10-P085	Corinne H. Krall 197 Golf Road Myerstown, PA 17067	UNT to Quittapahilla Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
North Lebanon Township Lebanon County	PAR-10-P087	Gary Marks 1594 Colonial Circle Lebanon, PA 17046	UNT to Little Swatara Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
Jackson Township Lebanon County	PAR-10-P088	Twin Maples 3210 Grande Oak Place Lancaster, PA 17601	UNT to Tulpehocken Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
West Manchester Township York County	PAR-10-Y353	Normandie Ridge Carol McKinley 1700 Normandie Drive York, PA 17404	Little Conewago Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dover Township York County	PAR-10-Y340	Wheatland/Harry McKean Pentago Partnership c/o New Age Associates 209 Locust Street, Box 215 East Berlin, PA 17316	UNT to Fox Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Penn Township York County	PAR-10-Y356	Hanover Area Ind. Park Lot 11B Conewago Contractors Int. P. O. Box 688 Hanover, PA 17331	Gitts Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
East Manchester Township York County	PAR-10-Y351	East Manchester Township Dellinger Road 5080 N. Sherman Street Ext Mt. Wolf, PA 17347	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Newberry Township York County	PAR-10-Y335	Grandview Acres Phase 11 Alvin Fisher 404 Coppenhaffer Road York, PA 17404	UNT to Susquehanna River	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR-10-Y346	Doubleday Direct David Brillhart 501 Ridge Avenue Hanover, PA 17331	Oil Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dover Township York County	PAR-10-Y357	SKH Dover Store Jim Stauffer/SKH Management Co. P. O. Box 1500 Lititz, PA 17543	Fox Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York City York County	PAR-10-Y345	Gregg Snyder Mini-Storage & Used Car Lot 4267 West Market Street York, PA 17404	Conewago Creek Honey Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Snyder County Penn Township	PAR 105914	Daniel J. Clement P. O. Box 93 Lewisburg, PA 17837	UNT Trib. to Penns Creek	Snyder County CD 403 W. Market St. Middleburg, PA 18424 (717) 837-0085
Lawrence County Neshannock Township	PAR103729	2911 Wilmington Road New Castle, PA 16105	Unnamed Tributary to Neshannock Creek	Lawrence Conservation Dist. Lawrence Co. Gov. Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512
Bradford Township McKean County	PAR148303	Georgia-Pacific Corp. 1 Owens Way Bradford, PA 16701	East Branch Tunugwant Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Mercer County	PAR808311	Pitt Ohio Express, Inc. 45 26th St. Pittsburgh, PA 15222	Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048549	Randy S. Hert 124 Egypt Hollow Rd. Warren, PA 16365	Unnamed Tributary of Hatch Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Freehold Township Warren County	PAG048546	Roger E. Chelton R. R. 1, Box 17 Bear Lake, PA 16402-9609	Unnamed Tributary of Little Brokenstraw	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG048540	Timothy D. Klein 1201 Sirak Dr. Fairview, PA 16415-1407	Unnamed Tributary of LeBoeuf Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Lehigh County Whitehall Township	PAG-052204	Top Star, Inc. 14 East Main Street Emmaus, PA 18049	Lehigh River	Northeast Regional Office, Water Management Program 2 Public Sq. Wilkes-Barre, PA 18711 (717) 826-2553
Beaver Township Clarion County	PAG088303	Knox Borough Knox Borough Sewage Treatment Plant 620 S. Main St. P. O. Box 366 Knox, PA 16232-0298	None	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

SAFE DRINKING WATER

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

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

Permit No. 1598515. Public water supply. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. A permit has been issued to the Philadelphia Suburban Water Company granting permission to install a powdered activated carbon feed system at the Fern Hill Water Treatment Plant in West Goshen Township, **Chester County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Acer Engineers and Consultants, Inc., 270 Granite Run Drive, Lancaster, PA 17601.

Permit to Construct Issued: October 27, 1998.

Permit No. 1598514. Public water supply. **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. A permit has been issued to the Philadelphia Suburban Water Company for the construction of a new booster pump station to serve the Whitland Ridge development in Uwchlan Township, **Chester County**.

Type of Facility: Public Water Supply System

Consulting Engineer: CIT Engineering Services, 1240 N. Mountain Road, Harrisburg, PA 17112.

Permit to Construct Issued: October 28, 1998.

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

Application No. M. A. The Department issued an operating permit to **Irvona Municipal Authority** for a change in the chemical applied for iron and manganese sequestration at Well Nos. 1 and 2 from Aqua Mag to Calgon C-5.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

**Proposed Interim Response
Mays/Messner Site**

North Fayette Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), is proposing a response action for the Mays/Messner Site (site). The site is located along routes 22 and 978 in North Fayette Township in Allegheny County. The site consists of approximately ½ acre of the approximately 65-acre Messner property. Included are four roll-off containers of mixed waste and crushed drums and one tank of liquid waste illegally disposed of on the site as well as contaminated soils.

The tarps that once covered the roll-off containers are now torn and in poor condition. The mixed waste and crushed drums in the roll-off containers are exposed to the elements, in particular, precipitation, which will result in further deterioration of the drums and continued run-off of contaminated water. The roll-off containers and the tank of liquid are leaking and there is visible waste material on the ground as well as significant staining of the site soils.

Photo ionizer detector (PID) readings taken near a vent pipe on the tank gave values of 800-1020 PPM. Department sampling conducted at the site identified hazardous substances according to 40 CFR Part 302 and HSCA section 103 in the waste samples and soil samples collected. The following hazardous substances were identified at the site: Acetone, Benzene, Carbon Disulfide, Dichlorofluoromethane, Dichloromethane, Ethylbenzene, Cumene, 4-Methyl-2-pentanone, m/p and o-Xylene, Naphthalene, n-Propylbenzene, Styrene, Toluene, Anthracene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(g,h,i)perylene, Benzo(a)pyrene, Chrysene, Fluoranthene, Indene-1,2,3-cd-pyrene, p-Cresol, Bis(2ethylhexyl)phthalate, Phenanthrene, Phenol and Pyrene.

As documented above, there was a release and is a threat of release of hazardous substances. Samples taken from the soils contain hazardous substances including Naphthalene and Styrene above Act 2 Soil to Groundwater Standards. Direct contact, inhalation and ingestion threats exist from the waste materials in the roll-off containers, waste materials on the ground and the liquid waste in the tank. In addition, the organic vapors in the tank pose a possible fire-explosion hazard.

The Department proposes an interim response at the site that will address direct contact, ingestion, inhalation and environmental threats created by the exposed waste and eliminate the fire/explosion hazard created by the tank of liquid waste.

The following alternatives were considered in addressing the conditions at this site: 1) No Department action; 2) Fence the area of contamination, re-tarp the roll-off containers and monitor the site periodically; 3) Remove and dispose of the waste materials and crushed drums present in the roll-off containers and tank, scrap the roll-off containers and tank, and remove and dispose of the visibly contaminated surface soils.

The Department proposes using Alternative Three to address the threats at the site. Alternative One would not adequately protect human health and the environment. Alternative Two would not be permanent, and could not prevent waste on the ground from migrating by the surface water pathway. Alternative Three meets the Applicable, Relevant and Appropriate Regulations (ARARs) to the extent possible.

This notice is being provided under section 506(b) of HSCA. The administrative record, containing information that forms the basis and documents the selection of this response action, is available for public review and comment. The administrative record is located at the Southwest Regional Office of the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review Monday through Friday from 8 a.m. to 5 p.m.

The Administrative Record will be open for comment from the date of publication for 90 days. Persons may submit written comments into the record during this time only, by sending them to Gary Mechtly at 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department scheduled the hearing on January 19, 1999, at 7 p.m. at the N. Fayette Township Municipal Building, 400 N. Branch Road, Oakdale. Persons wishing to present comments must register with Betsy Mallison

before January 15 by telephone at (412) 442-4182 or in writing at PA DEP, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Mallison or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The following final reports were submitted to the Department of Environmental Protection (Department) 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 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 non-residential 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's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

David Lehequet Residence, Lower Southampton Township, **Bucks County**. Brian R. Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Matthew McKenny Residence, Lower Southampton Township, **Bucks County**. Brian R. Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Wirth Property (2407 Sycamore Street), Wilson Borough, **Northampton County**. David Crowther, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Final Report (on behalf of his client, Barclay Contracting, Inc., 1040 North Jerome Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons. The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

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

Pole #33817S26828, East Donegal Township, **Lancaster County, PA Power & Light Company**, Two North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide Health standard.

Pole #35066S25565, Columbia Borough, **Lancaster County, PA Power & Light Company**, Two North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide Health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

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

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environment Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at site to one of the Act 2 (Land Recycling and Environmental Remediations Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and

analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

Solarek Property, City of Allentown, **Lehigh County**. David Crowther, Geologist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his client, Barclay Contracting, Inc., 1040 North Jerome Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 4, 1998.

Gromlich Property, City of Easton, **Northampton County**. Brian Evans, Environmental Scientist, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his client, Lawrence Gromlich, 1304 Lehigh Street, Easton, PA 18042) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on October 1, 1998.

Bruner Residence and Haas Property, South Canaan Township, **Wayne County**. Kevin Van Kuren, President, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report (on behalf of his clients, Dale and Diane Bruner, Route 296, South Canaan, PA 18459 and Herbert Haas, P. O. Box 132, Waymart, PA 18472) concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on November 9, 1998.

SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued 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.

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

An application to expand the landfill and utilize specific variances provided for in § 271.231 of the municipal waste regulations was received from **Superior Greentree Landfill**, 635 Toby Road, Kersey, PA 15846, located in Fox Township, **Elk County**, Permit No. 101397. This application was approved in the Regional Office on November 10, 1998.

The following design and/or operational specific variances have been approved: 1. Subbase with 33% slopes, 2. HDPE geonet composite, 3. Protective cover particle size, 4. Daily cover material, 5. Intermediate cover material.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300876. Conemaugh Station Ash/Refuse Disposal Site, GPU Generation, Inc., 1001 Broad Street, Johnstown, PA 15907. Repermitting and operation of a residual waste landfill in West Wheatfield Township, **Indiana County**. Permit issued in the Regional Office on November 4, 1998.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Applications Issued:

11960109, Permit Revision, Paul F. Becker Coal Company (Rt. 22, Duncansville, PA 16635), is for a boundary correction to add 1.0 acre of mining area to the northern end of the permit on the Margaret Kelly Estate, now Paul F. and Ada M. Becker property, total SMP acres goes from 26.0 to 27.0 in Elder Township, **Cambria County**, receiving stream unnamed tributary to Brubaker Run, application received August 26, 1998, permit issued November 5, 1998.

11980101. L & J Energy Company, Inc. (P. O. Box I, Grampian, PA 16838), commencement, operation and restoration of a bituminous strip-auger mine in Susquehanna Township, **Cambria County**, affecting 93.0 acres, receiving stream West Branch of Susquehanna River; Douglas Run, application received April 8, 1998, permit issued November 9, 1998.

56980101. Heritage Mining Company (P. O. Box 126, Cresson, PA 16630), commencement, operation and restoration of a bituminous strip mine in Shade and Paint Townships, **Somerset County**, affecting 62.3 acres, receiving stream unnamed tributaries to/and Shade Creek, application received January 21, 1998, permit issued November 12, 1998.

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

26970101. Patterson Coal Company (R. D. 2, Box 335, Smithfield, PA 15478). Permit revised to amend the permit boundary at an existing bituminous surface mining site located in German and Georges Townships, **Fayette County**, affecting 32.0 acres. Receiving streams: unnamed tributaries to North and South Branches of Browns Run, Browns Run to the Monongahela River. Application received: June 1, 1998. Revision issued: November 10, 1998.

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

17960102. M. R. Hainsey Contracting Company (R. D. 2, Box 57, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 70.1 to 73.2 acres, Goshen Township, **Clearfield County**, receiving streams: unnamed tributary to Pine Run, Pine Run, unnamed tributary to Trout Run, application received August 7, 1998, permit issued October 30, 1998.

17820139. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Ferguson and Greenwood Townships, **Clearfield County** affecting 514.5 acres, receiving streams: Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch Susquehanna River to Susquehanna River, application received July 24, 1998, permit issued October 30, 1998.

17930112. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 68.5 acres, receiving streams: unnamed tributary #1, application received August 6, 1998, permit issued October 30, 1998.

17820152. James I. Cowfer Contracting Co., Inc. (P. O. Box 86, Osceola Mills, PA 16666), renewal of an existing bituminous surface mine permit in Woodward and Decatur Townships, **Clearfield County** affecting 288 acres, receiving streams: unnamed tributary to Goss Run, to Goss Run, and Goss Run, to Beaver Run to Moshannon Creek, to West Branch Susquehanna River, to Susquehanna River, application received July 24, 1998, permit issued October 30, 1998.

17820104. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Boggs and Bradford Townships, **Clearfield County** affecting 479.5 acres, receiving streams: Long Run and an unnamed tributary to Clearfield Creek to West Branch Susquehanna River, application received August 18, 1998, permit issued October 30, 1998.

17930128. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 106.2 acres, receiving streams: unnamed tributaries to Bell Run to West Branch Susquehanna River, application received September 14, 1998, permit issued October 29, 1998.

17930124. Al Hamilton Contracting Company (R. R. 1, Box 87, Woodland, PA 16881), transfer of an existing bituminous surface mine-auger permit from James I. Cowfer Contracting, Inc., Woodward and Decatur Townships, **Clearfield County**, affecting 346.0 acres, receiving streams: North Branch to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, Clearfield

Creek to West Branch Susquehanna River; and Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek, Moshannon Creek to West Branch Susquehanna River, application received July 16, 1998, permit issued October 30, 1998.

17960110. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc., Bigler Township, **Clearfield County**, affecting 70.5 acres, receiving streams: unnamed tributaries to Banian Run to Clearfield Creek to the West Branch of the Susquehanna River, application received July 10, 1998, permit issued October 30, 1998.

17793123. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801), renewal of an existing bituminous surface mine-auger permit in Union and Brady Townships, **Clearfield County** affecting 102.8 acres, receiving streams: Sugar Camp Run to Luthersburg Branch and Laborde Branch to Sandy Lick Creek to Redbank Creek to Allegheny River, application received August 3, 1998, permit issued November 6, 1998.

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

17970108. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701), major permit revision for a Change in Permit Acreage from 453.0 to 458.0 acres, and a variance to utilize and modify an existing stream crossing of Haslett Run, Bell Township, **Clearfield County**, receiving streams: unnamed tributaries to Whisky Run and unnamed tributaries to Haslett Run to Whisky Run and Haslett Run, both tributary to the West Branch of the Susquehanna River, application received August 19, 1998, permit issued November 4, 1998.

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

24980101. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824) Commencement, operation and restoration of a bituminous strip and auger operation in Fox Township, **Elk County** affecting 457.0 acres. Receiving streams: Unnamed tributary to McCauley Run, Unnamed tributary to Little Toby Creek, and Hays Run. Application received: March 23, 1998. Permit Issued: November 5, 1998.

102327-24980101-E-1. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824) Application for a stream encroachment to construct and maintain a temporary haulroad crossing over McCauley Run in Fox Township, **Elk County**. Receiving streams: Unnamed tributary to McCauley Run, Unnamed tributary to Little Toby Creek, and Hays Run. Application received: March 23, 1998. Permit Issued: November 5, 1998.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

30841309. Dunkard Mining Co. (Dilliner, PA 15327), to revise the permit for the Dunkard #2 in Dunkard Township, **Greene County**, to revise subsidence control plan boundary, no additional discharges. Permit issued October 26, 1998.

17921604. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830), to renew the permit for the Truck

Tipple in Lawrence Township, **Clearfield County**, no additional discharges. Permit issued October 30, 1998.

32841307. Tanoma Coal Company, Inc. (R. R. 1, Box 594, Marion Center, PA 15759), to revise the permit for the Tanoma Coal Mine in Rayne Township, **Indiana County** to add 900 acres to underground permit area, no additional discharges. Permit issued October 30, 1998.

30921301. Cyprus River Processing Corp. (145 Elm Dr., P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Monongahela Resource Mine in Jefferson Township, **Greene County**, no additional discharges. Permit issued November 5, 1998.

17921602. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16830), to renew the permit for the Cunard Coal Prep Facility in Morris Township, **Clearfield County**, no additional discharges. Permit issued November 5, 1998.

30831303. Cyprus Cumberland Resources Corp. (145 Elm Dr., P. O. 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to install the No. 7 shaft, trib. to Whiteley Creek. Permit issued November 6, 1998.

56911302. RoxCoal, Inc. (1576 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to revise the permit for the Long T Mine in Stonycreek Township, **Somerset County** to revise reclamation land use at Diamond T Mine, no additional discharges. Permit issued November 6, 1998.

16901601. W. Duane Kiser (101 South 3rd Ave., Clarion, PA 16214), to renew the permit for the Shippenville Tipple in Elk Township, **Clarion County**, no additional discharges. Permit issued November 6, 1998.

56841328. BethEnergy Mines, Inc. (P. O. Box 29, Ebensburg, PA 15931), to renew the permit for the Windber Mine No. 78 in Paint Township, **Somerset County**, no additional discharges. Permit issued November 6, 1998.

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

40930102R. Diamond Coal Company, Inc. (Route 309 North, Box Q, Milnesville, PA 18239-0185), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County**, affecting 405.0 acres, receiving stream—none. Renewal issued November 6, 1998.

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

Coal Applications Returned

03980106. Thomas J. Smith, Inc. (R. D. 1, Box 206D, Shelocta, PA 15774). Application returned for commencement, operation, and reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, proposed to affect 94.1 acres. Receiving streams: Lindsay Run to Crooked Creek. Application received: September 16, 1998. Application returned: November 13, 1998.

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

17673057. Power Operating Co., Inc. (P. O. Box 25, Osceola Mills, PA 16666), major permit modification to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation, Gulich and Woodward Townships, **Clearfield County**, affecting 1,180 acres, application received December 12, 1996, permit returned November 6, 1998.

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

Small Noncoal (Industrial Mineral) Permits Issued

53970802. Ayers Excavating (R. R. 1, Box 2564, Austin, PA 16720), commencement, operation and restoration of a Small Industrial Mineral (Rock and Topsoil) permit in Summit Township, **Potter County** affecting 1 acre, receiving streams: Borie Branch, tributary to Sinemahoning Creek, application received September 9, 1997, permit issued November 6, 1998.

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

42982801. Culver Construction (P. O. Box 215, Port Allegany, PA 16743) Commencement, operation and restoration of a Small Noncoal (Industrial Mineral) Flagstone operation in Annin Township, **McKean County** affecting 3.0 acres. Receiving streams: None. Application received: March 6, 1998. Permit Issued: November 2, 1998.

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

58980841. Michael J. Romeika (R. R. 1, Box 125, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation in Gibson Township, **Susquehanna County**, affecting 1.0 acre, receiving stream—none. Permit issued November 10, 1998.

54970868. Jack L. McKeeby (Box 571, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in Franklin Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued November 10, 1998.

58970858. Donald C. Robbins (R. R. 3, Box 3607, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry operation in Lathrop Township, **Susquehanna County**, affecting 1.0 acre, receiving stream—none. Permit issued November 12, 1998.

58980845. Olin Miller (R. R. 1, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in Harford Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued November 12, 1998.

58980846. Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Auburn Township, **Susquehanna County**, affecting 2.0 acres, receiving stream—none. Permit issued November 12, 1998.

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

Noncoal Permits Issued

4874SM1A1C3. County Line Quarry, Inc. (P. O. Box 99, Wrightsville, PA 17368), renewal of NPDES Permit PA0119628 in Hellam Township, **York County**, receiving stream—Kreutz Creek. Renewal issued November 6, 1998.

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

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval,

and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications:

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

E15-571. Encroachment Permit. **Honey Brook Township**, P. O. Box 1281, Suplee Road, Honey Brook, PA 19344-1281. To replace an existing deteriorated roadway bridge spanning the West Branch of the Brandywine Creek (HQ-TSF, MF) along East Walnut Road. The proposed low flow replacement structure will consist of a 30-foot long pre-cast concrete box culvert providing a 20-foot wide by 6-foot high waterway opening. The culvert invert will be depressed 1-foot. The new culvert will accommodate two-lane automobile traffic which will require the reconstruction of the roadway approaches. The site is located approximately 1 mile northeast of the intersection of the Horseshoe Pike (U. S. Rt. 322) and the Conestoga Avenue (S. R. 10) (Honey Brook, PA Quadrangle N: 18.0 inches; W: 3.5 inches) in Honey Brook Township, **Chester County**.

E15-583. Encroachment Permit. **PA Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5106. To remove an existing 57-inch by 38-inch arch culvert and place and maintain 30 linear feet of 4-foot by 10-foot low flow stream crossing concrete box culvert located in and along Crum Creek (HQ, CWF), beneath Warren Avenue, (S. R. 2015), (Malvern, PA Quadrangle N: 4.25 inches; W: 0.8 inches) in Willistown Township, **Chester County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E15-588. Encroachment Permit. **Boden-Trievell Partnership**, 750 North Pottstown Pike, Exton, PA 19341. To replace an existing corrugated pipe driveway culvert, with

a low flow stream crossing which will provide access to the Boden-Trievl Partnership property across an unnamed tributary to the Pickering Creek (HQ, TSF). The proposed, approximate 20-foot span steel I-beam bridge, having a 10-foot wide wooden deck, will be supported on reinforced concrete abutments and have minimum underclearance of approximately 3 feet. The project is located at a point approximately 400 feet south of the intersection of the Art School Road and Miller Road (Downingtown, PA Quadrangle N: 19.1 inches; W: 1.5 inches) in West Pikeland Township, **Chester County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

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

E18-263. Encroachment. **Ernest Renninger**, R. R. 1, Box 95E, Mill Hall, PA 17751. To construct and maintain a 76 foot 9 inch timber slope stabilization wall and private 36 foot x 20 foot boat slip on the West Branch of Susquehanna River located 1 mile west on SR 1001 from the intersection of Jay St. (Lock Haven, PA Quadrangle N: 3.9 inches; W: 11.6 inches) in Woodward Township, **Clinton County**. This proposed project will require a cofferdam during which will be restored to preexisting condition at construction completion.

E19-178. Encroachment. **North Centre Township Supervisors**, R. R. 2, Box 2603, Berwick, PA 18603. To remove an existing structure and to construct, operate and maintain a road crossing that will carry T-651 across West Branch, Briar Creek. It shall be constructed with a single cell aluminum arch culvert that will have a minimum span of 19.7 feet, minimum rise of 5.75 feet, and a skew of 75°. The project is located along the western right-of-way of SR 0093 approximately 1,600 feet north of the intersection of T-481 and T-651 (Mifflinville, PA Quadrangle N: 9.9 inches; W: 12.6 inches) in North Centre Township, **Columbia County**.

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

E02-1241. Encroachment. **Port of Pittsburgh Commission**, 503 Martindale Street, 5th Floor, Pittsburgh, PA 15212-5746. To construct and maintain a boat docking facility in the channel of and along the right bank of the Ohio River (WWF) and to dredge and maintain the channel of said stream. The project is located approximately 3,000 feet upstream from the West End Bridge (Pittsburgh West, PA Quadrangle N: 12.7 inches; W: 2.25 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E65-704. Encroachment. **Three Rivers Marine & Rail Terminals, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425. To construct and maintain an embedded barge facility having a total length of 700.0 feet and a width of 26.0 feet in and along the east bank of the Monongahela River (WWF) for the purpose of accommodating additional cargo handling operations at approximately River Mile 43.1 (Monongahela, PA Quadrangle N: 0.9 inch; W: 1.1 inches) in Rostraver Township, **Westmoreland County**.

E02-1218. Encroachment. **Robinson Peripheral Developers**, 300 Park Manor Drive, Pittsburgh, PA 15205. To place and maintain fill in 0.57 acre of wetlands (PEM/PSS) for a proposed commercial and retail develop-

ment of approximately 470 acre lot as part of Phase II of the Robinson Town Center Development (Oakdale PA Quadrangle N: 14.6 inches; W: 5.0 inches) in Robinson Township, Moon Township and North Fayette Township, **Allegheny County**. This permit also authorizes the construction of 0.57 acre of replacement wetlands (PEM/PSS). This permit includes the Environmental Assessment for three nonjurisdictional dams.

E11-262. Encroachment. **Jack Scansaroli**, 3676 Admiral Perry Highway, Ebensburg, PA 15931. To place and maintain fill in 2.35 acres of wetlands (PEM) located in the headwaters of an unnamed tributary to South Branch Blacklick Creek (CWF) between SR 22 and SR 3034 (Nanty Glo, PA Quadrangle N: 17.5 inches; W: 0.7 inch) in Cambria Township, **Cambria County**. The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. The applicant will construct 2.35 acres of wetlands at an offsite location.

E63-458. Encroachment. **Rite Aid of Pennsylvania, Incorporated**, 8 Parkway Center, 875 Greentree Road, Pittsburgh, PA 15220. To operate and maintain the existing culvert having a span of 11.5 feet with an underclearance of 6.0 feet and to construct and maintain an 80 foot long extension to the existing culvert in Dry Run (WWF) to provide access to the proposed Rite Aid Development. The culvert extension will have a span of 12.0 feet with an underclearance of 6.25 feet and is located on the north side of Main Street (S. R. 88), approximately 50 feet east from the intersection of Main Street (S. R. 88) and S. R. 136 (Monongahela, PA Quadrangle N: 14.8 inches; W: 8.8 inches) in the City of Monongahela, **Washington County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E65-708. Encroachment. **Ligonier Township Supervisors**, 18 Old Lincoln Highway West, Ligonier, PA 15658. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 19.9 feet and an underclearance of 4.5 feet across North Fork Trout Run. This permit also authorizes the placement and maintenance of fill in a de minimis area of wetlands equal to 0.022 acre. The project is located on Austraw Road (T-721) (Derry, PA Quadrangle N: 7.65 inches; W: 0.35 inch) in Ligonier Township, **Westmoreland County**.

E02-1243. Encroachment. **Pittsburgh Indoor Sports, L. P.**, 5180 Mamont Road, Murrysville, PA 15668. To place and maintain fill in approximately 0.13 acre of wetlands (PEM) adjacent to and on the right bank of Deer Creek (WWF) and to construct and maintain two outfall structures on the right bank of said stream for the purpose of constructing the Pittsburgh Indoor Sports Complex. The project is located east of Rich Hill Road, just northeast from the intersection of the PA Turnpike and Rich Hill Road (New Kensington West, PA Quadrangle N: 10.0 inches; W: 12.3 inches) in Harmar Township, **Allegheny County**. This permit also authorizes the construction of 0.28 acre of replacement wetland.

E02-1244. Encroachment. **County of Allegheny—Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To remove the existing bridge (Wible Run Road Bridge No. 5) and to construct and maintain a culvert having a span of 12.0 feet with an underclearance of 6.0 feet in the channel of Wible Run (WWF). The bridge is located on Wible Run Road, near the intersection of Wible Run Road and Soose Road (Glenshaw, PA Quadrangle N: 0.8 inch;

W: 13.25 inches) in Shaler Township, **Allegheny County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E56-284. Encroachment. **JIRO Enterprises, Inc.**, 218 North Kimberly Avenue, Somerset, PA 15501. To place and maintain fill in 0.38 acre of wetlands (PEM) for the purpose of constructing a gravel lot for parking. To mitigate for the wetland impact, the permittee must construct 0.4 acre of replacement wetlands (PEM) onsite. The project is located on the southwest side of the intersection of T-482 and T-561 (Somerset, PA Quadrangle N: 5.2 inches; W: 11.2 inches) Somerset Township, **Somerset County**.

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

E37-121. Encroachment. **GEM Building Contractors and Developers, Inc.**, 3009 Wilmington Road, New Castle, PA 16105. To authorize the following activities associated with the Northgate Industrial Park development located on Mitchell Road approximately 0.5 mile west of S. R. 0018 (New Castle North, PA Quadrangle N: 12.4 inches; W: 16.4 inches) located in Neshannock Township, **Lawrence County**: (1) Fill placed without a permit in 0.387 acre of three separate wetlands for development of an access road, (2) Fill 0.18 acre of wetland to complete construction of the access road, (3) Fill 0.88 acre of three separate wetlands for development of industrial/commercial lots (Lots 1 and 3). Project includes construction of a total of at least 1.87 acres of replacement wetlands adjacent to existing wetlands in the Northgate Industrial Park.

E25-574. Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 80 feet with a minimum underclearance of 2.75 feet and maximum underclearance of 14.8 feet across Conneauttee Creek within the pool area of Edinboro Lake on S. R. 3006, Segment 0410, Offset 1442 approximately 2 miles east of I-79 (Edinboro North, PA Quadrangle N: 0.2 inch; W: 1.4 inches) located in Edinboro Borough, **Erie County**.

E42-259. Encroachment. **Wetmore Township**, R. D. 1, Box 20A, Spring Street, Kane, PA 16735. To remove the existing culverts and to install and maintain a 64-inch-wide by 43-inch-high corrugated metal pipe arch culvert in a tributary to West Run on T-300 approximately 300 feet east of T-303 (Kane, PA Quadrangle N: 5.0 inches; W: 13.6 inches) located in Wetmore Township, **McKean County**.

DAM SAFETY

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Permits Issued and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D46-324. Dam. **Gambone Brothers Development Company** (P. O. Box 287, Fairview Village, PA 19409). To construct, operate and maintain a stormwater detention dam, Basin No. 2, located across a tributary to the Schuylkill River in Upper Merion Township, **Montgomery County**. The proposed facility is part of the stormwater management plan for the Gulph Mills Business Park.

D46-328. Dam. **Gambone Brothers Development Company** (P. O. Box 287, Fairview Village, PA 19409). To construct, operate, and maintain a stormwater detention dam, Railroad Basin, located across a tributary to the Schuylkill River in Upper Merion Township, **Montgomery County**. The proposed facility is part of the stormwater management plan for the Gulph Mills Business Park.

D67-500A. Dam. **Pennsylvania Power and Light, Inc.** (Two North Ninth Street, Allentown, PA 18101-1179). To close Ash Basin No. 7 at the Brunner Island Steam Electric Station by regrading the ash in the basin, covering the site with 1 foot of soil, and seeding in East Manchester Township, **York County**.

ENVIRONMENTAL ASSESSMENT

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

Permits Issued

Environmental Assessment No. EA11-002SW. **Kohler Construction**, 104 Mable Street, Johnstown, PA 15905. To repair a breached nonjurisdictional dam in an unnamed tributary to St. Clair Run (CWF) to restore open water habitat, 0.13 acre of wetlands (PEM) in the reservoir area to be inundated. The project is located just north of the intersection of Lake Shore Drive and Greentree Lane (Johnstown, PA Quadrangle N: 13.0 inches; W: 12.25 inches) in the Borough of Westmont, **Cambria County**. The applicant has met the wetland replacement requirements by participating in the Pennsylvania Wetland Replacement Project.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and 25 Pa. Code Chapter 245, Subchapter C has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
98-02-001	Aristech Chemical Corp. 200 Neville Road Pittsburgh, PA 15225-1696	Allegheny Co. Neville Township	49,000 gallon AST storing Phthalic Anhydride

Actions on plans submitted under the Storm Water Management Act (32 P. S. § 680.9).

Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. SWMP 356:46. Mill Creek, Rock Run, Gully Run, Arrowmink Creek (Lower Merion Drainage) Watershed Storm Water Management Plan, as submitted by **Montgomery County**, was approved on October 29, 1998.

SPECIAL NOTICES

**Submission Date
for Recycling Program Development and
Implementation Grants
under Act 101 Section 902 of
the Municipal Waste Planning, Recycling and
Waste Reduction Act**

The Department of Environmental Protection announces a request for applications from municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. Authorities are not eligible to apply for the grants, but may be sponsored by a municipality.

The following categories of recycling projects will be given funding priority in the order they are listed. Intergovernmental cooperative projects within any category will receive higher priority.

1. Projects implemented by a municipality, mandated by Act 101 to have a curbside recycling program, that establish or maintain compliance with the recycling requirements including:

a) programs for the collection of recyclables and leaf or yard waste from residential, and/or commercial, institutional and municipal establishments.

b) semi-annual public information and education programs required under Act 101 Section 1501(d) concerning recycling program features and requirements for the residential, commercial, institutional and municipal sectors; and,

2. Implementation of a curbside recycling, drop-off recycling or composting program.

3. Replacement equipment for the collection or processing of recyclables or leaf and yard wastes.

4. General recycling education projects.

5. Expansion of existing public sector recycling collection centers or materials processing facilities.

6. New public sector recycling collection centers or materials processing facilities.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Financially Distressed Municipalities Act (53 P. S. §§ 1701.101—1701.501), are eligible for an additional 10% of approved costs.

The following recyclable materials diverted from the municipal solid waste will be considered as eligible for grant funding: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, plastics, source separated food scraps, and leaf and yard wastes.

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables, transport recyclables to processing facilities or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility; and the costs associated with educating the public on recycling program requirements, including the development and publication of printed and audio-visual educational materials, advertisements, the development of Internet "Recycling Home Pages," and school or special event programs. Composting projects and programs will be considered to be recycling projects or programs accordingly. A municipality must retain sole ownership of equipment or facilities funded by the grant.

Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be pro-rated according to its recycling use. Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood processing equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines or in cases where the equipment is used cooperatively among two or more municipalities.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance

with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

It is strongly recommended that potential applicants contact the appropriate DEP Regional Planning and Recycling Coordinator listed below to schedule a pre-application conference to discuss application requirements. Grant application forms are available from DEP Regional and Central offices.

Grant applications must be received or postmarked by 3 p.m. February 18, 1999. Applications received by the

Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate DEP Regional Office. All grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of moneys in the Recycling Fund.

Inquiries concerning this notice should be directed to Todd Pejack, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Regional Planning & Recycling Coordinators

Southeast Region

Bureau of Land Recycling and Waste Management
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428
(610) 832-6212

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Northeast Region

Bureau of Land Recycling and Waste Management
2 Public Square
Wilkes-Barre, PA 18711-0790
(717) 826-2516

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

Southcentral Region

Bureau of Land Recycling and Waste Management
909 Elmerton Avenue
Harrisburg, PA 17110-8200
(717) 705-4706

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

Northcentral Region

Bureau of Land Recycling and Waste Management
208 W. 3rd Street, Suite 101
Williamsport, PA 17701
(717) 327-3653

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

Southwest Region

Bureau of Land Recycling and Waste Management
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

Northwest Region

Bureau of Land Recycling and Waste Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6848

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

Coordinator

Calvin Ligans
Ann Ryan
Mary Alice Reisse

Chris Fritz
Joan Banyas

Belinda May

Ron Sommers

Sharon Svitek
Stephen Sales
Bob Emmert

Guy McUmber

Availability of Technical Guidance

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

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

Ordering Paper Copies of DEP Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Draft Technical Guidance

DEP ID: 012-5500-002 Title: Environmental Education Grants Elective Program Description: The Department maintains a competitive grant program to give environmental education grants to schools, county conservation districts and/or nonprofit groups (with a conservation/education mission) with a grant round offered yearly. In addition, the Department will offer, on a limited basis, environmental educational grants to certain elective programs. Anticipated Effective Date: January 1, 1998 Deadline for Submittal of Comments: December 28, 1998 Contact: Heidi Haertsch at (717) 772-1828

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1948. Filed for public inspection November 27, 1998, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division

The Department of General Services, State Surplus Property Division is offering for sale dairy farm equipment to include the following:

1. Bulk Tank—600 gallon with washer
Pipeline—
50cfm vacuum pump
320'—2" stainless steel milk line
320'—3" PVC Vacuum line

55/45 dual pulse electronic pulsation system
34 stall cocks for both milk and vacuum
5 mini orb milkers

Complete washing system for pipeline including Electronic brain.

2. Barn Cleaner—
320 ft. Jamesway chain
Jamesway motorized cleaning unit

This equipment is located at the Warren State Hospital in North Warren, PA. If you would like to receive a bid form or have any questions on this equipment call (717) 787-4085 or send your name and address to the Department of General Services, State Surplus Property Division, 2221 Forster Street, G-48, Harrisburg, PA 17125. Requests for bids will be taken until the bid opening date of December 18, 1998 at 1 p.m.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-1949. Filed for public inspection November 27, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control Prevention and Research Advisory Board

The Pennsylvania Cancer Control, Prevention and Research Advisory Board is scheduled to hold a meeting by telephone conference call on December 2, 1998, from 10 a.m. to 11:30 a.m. in room 929 of the Health and Welfare Building, Harrisburg, PA.

Anyone wishing to attend the meeting or who has questions regarding the meeting should contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, 1011 Health and Welfare Building, Harrisburg, PA, at (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, please contact Susan F. George at (717) 787-5251.

V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1950. Filed for public inspection November 27, 1998, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced as follows have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), this firm or this person, or any firms, corporations or partnerships in

which the firm or person has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Klondike Insulation, Inc. (Fed. ER ID No. 25-1703833)	3025 Washington Road McMurray, PA 15317	10/28/98
-and- Paul Guzan (Fed. ER ID No. 25-1727730)	509 Clubview Drive McMurray, PA 15317	

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-1951. Filed for public inspection November 27, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fat Cat Doubler Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Fat Cat Doubler instant lottery game rules that were published at 27 Pa.B. 2206 (May 3, 1997).

With the exception of the \$1 million grand prize, the Lottery hereby announces that it is doubling the prize amounts awarded in the Grand Prize Drawings for the month of December, 1998. To effectuate the change in prize amounts, the Pennsylvania Fat Cat Doubler is amended as follows:

6. *Determination of Prize Winners.*

* * * * *

(n) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes awarded in the month of December, 1998, of \$10,000, \$100,000, \$150,000, \$200,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

* * * * *

7. *Grand Prize Drawing Procedure.*

* * * * *

(d) *Manner of conducting Grand Prize Drawings.*

* * * * *

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings held in the month of December, 1998:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$200,000, or \$150,000, or \$100,000
Consolation Prize	9	\$10,000

(e) *Procedure for conducting Grand Prize Drawings.*

* * * * *

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000. For Grand Prize Drawings held during December, 1998, the prizes designated as \$100,000, \$75,000 and \$50,000 shall be paid at double the designated value.

* * * * *

(4) The nine finalists whose names remain will receive a consolation prize of \$10,000 each.

* * * * *

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Fat Cat Doubler instant lottery game ticket selected for a Grand Prize Drawing awarded in the month of December, 1998, as follows:

* * * * *

(2) A winner of a \$200,000 grand prize entitles the selling retailer to a bonus of \$2,000.

(3) A winner of a \$150,000 grand prize entitles the selling retailer to a bonus of \$1,500.

(4) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(5) A winner of a \$10,000 consolation prize entitles the selling retailer to a bonus of \$100.

* * * * *

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1952. Filed for public inspection November 27, 1998, 9:00 a.m.]

Pennsylvania Kash Kabob Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Kash Kabob instant lottery game rules that were published at 27 Pa.B. 2208 (May 3, 1997).

With the exception of the \$1 million grand prize, the Lottery hereby announces that it is doubling the prize amounts awarded in the Grand Prize Drawings for the month of December, 1998. To effectuate the change in prize amounts, the Pennsylvania Kash Kabob is amended as follows:

7. *Determination of Prize Winners.*

* * * * *

(j) Holders of tickets where the "Your Number" play symbol matches any one of the play symbols in the same game and a prize play symbol of FREE (TICKET) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes awarded in the month of December, 1998, of \$10,000, \$100,000, \$150,000, \$200,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

8. *Grand Prize Drawing Procedure:*

* * * * *
 (d) *Manner of conducting Grand Prize Drawings.*
 * * * * *

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings held in the month of December, 1998:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity or \$200,000, or \$150,000, or \$100,000
Consolation Prize	9	\$10,000

(e) *Procedure for conducting Grand Prize Drawings.*
 * * * * *

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000. For Grand Prize Drawings held during December, 1998, the prizes designated as \$100,000, \$75,000 and \$50,000 shall be paid at double the designated value.

* * * * *

(4) The nine finalists whose names remain will receive a consolation prize of \$10,000 each.

* * * * *

9. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Kash Kabob instant lottery game ticket selected for a Grand Prize Drawing awarded in the month of December, 1998, as follows:

* * * * *

(2) A winner of a \$200,000 grand prize entitles the selling retailer to a bonus of \$2,000.

(3) A winner of a \$150,000 grand prize entitles the selling retailer to a bonus of \$1,500.

(4) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(5) A winner of a \$10,000 consolation prize entitles the selling retailer to a bonus of \$100.

* * * * *

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1953. Filed for public inspection November 27, 1998. 9:00 a.m.]

Pennsylvania Million Dollar Spin Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Million Dollar Spin instant lottery game rules that were published at 27 Pa.B. 4971 (September 27, 1997).

With the exception of the \$1 million grand prize, the Lottery hereby announces that it is doubling the prize amounts awarded in the Grand Prize Drawings for the

month of December, 1998. To effectuate the change in prize amounts, the Pennsylvania Million Dollar Spin is amended as follows:

6. *Determination of Prize Winners:*

* * * * *

(h) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes awarded in the month of December, 1998, of \$10,000, \$100,000, \$150,000, \$200,000, or an annuity worth \$1 million (\$50,000 a year for 20 years). In order to be eligible for entry into the final Pennsylvania Million Dollar Spin drawing, free tickets must be received at Lottery Headquarters no later than December 1, 1998.

* * * * *

7. *Grand Prize Drawing Procedure:*

* * * * *

(d) *Manner of conducting Grand Prize Drawings.*

* * * * *

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings held in the month of December, 1998:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$200,000, or \$150,000, or \$100,000
Consolation Prize	9	\$10,000

(e) *Procedure for conducting Grand Prize Drawings.*

* * * * *

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000. For Grand Prize Drawings held during December, 1998, the prizes designated as \$100,000, \$75,000 and \$50,000 shall be paid at double the designated value.

* * * * *

(4) The nine finalists whose names remain will receive a consolation prize of \$10,000 each.

* * * * *

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Million Dollar Spin instant lottery game ticket selected for a Grand Prize Drawing awarded in the month of December, 1998, as follows:

* * * * *

(2) A winner of a \$200,000 grand prize entitles the selling retailer to a bonus of \$2,000.

(3) A winner of a \$150,000 grand prize entitles the selling retailer to a bonus of \$1,500.

(4) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(5) A winner of a \$10,000 consolation prize entitles the selling retailer to a bonus of \$100.

* * * * *

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1954. Filed for public inspection November 27, 1998, 9:00 a.m.]

Pennsylvania Two For The Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Two For The Money instant lottery game rules that were published at 27 Pa.B. 2211 (May 3, 1997).

With the exception of the \$1 million grand prize, the Lottery hereby announces that it is doubling the prize amounts awarded in the Grand Prize Drawings for the month of December, 1998. To effectuate the change in prize amounts, the Pennsylvania Two For The Money is amended as follows:

6. *Determination of Prize Winners.*

* * * * *

(i) Holders of tickets with three matching play symbols of FREE (TICKET) in the same game, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes awarded in the month of December, 1998, of \$10,000, \$100,000, \$150,000, \$200,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

7. *Grand Prize Drawing Procedure.*

* * * * *

(d) *Manner of conducting Grand Prize Drawings.*

* * * * *

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings held in the month of December, 1998:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$200,000, or \$150,000, or \$100,000
Consolation Prize	9	\$10,000

(e) *Procedure for conducting Grand Prize Drawings.*

* * * * *

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000. For Grand Prize Drawings held during December, 1998, the prizes designated as \$100,000, \$75,000 and \$50,000 shall be paid at double the designated value.

* * * * *

(4) The nine finalists whose names remain will receive a consolation prize of \$10,000 each.

* * * * *

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Two For The Money instant lottery game ticket selected for a Grand Prize Drawing awarded in the month of December, 1998, as follows:

* * * * *

(2) A winner of a \$200,000 grand prize entitles the selling retailer to a bonus of \$2,000.

(3) A winner of a \$150,000 grand prize entitles the selling retailer to a bonus of \$1,500.

(4) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(5) A winner of a \$10,000 consolation prize entitles the selling retailer to a bonus of \$100.

* * * * *

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1955. Filed for public inspection November 27, 1998, 9:00 a.m.]

Realty Transfer Tax Revised; 1997 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 1997. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 1999 to June 30, 1999. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>Adjusted Common Level Ratio Factor</i>
Bradford	2.00*
Mifflin	2.00*

* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 1999.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1956. Filed for public inspection November 27, 1998, 9:00 a.m.]

Revenue-Neutral Reconciliation Rate Notice for the Tax Year Beginning January 1, 1999

Title 66 Pa.C.S. § 2810(a) provides "It is the intention of the General Assembly that the restructuring of the electric industry be accomplished in a manner that allows Pennsylvania to enjoy the benefits of competition, promotes the competitiveness of Pennsylvania's electric utilities and maintains revenue neutrality to the Commonwealth. This section is not intended to cause a shift in proportional tax obligations among customer classes or individual electric distribution companies. It is the intention of the General Assembly to establish this revenue replacement at a level necessary to recoup losses that may result from the restructuring of the electric industry and the transition thereto."

Title 66 Pa.C.S. § 2810(c) requires the Secretary of Revenue to publish the rate of the revenue-neutral reconciliation (RNR) tax in the form of a notice in the *Pennsylvania Bulletin* by December 1, 1998, and each October 1 thereafter until and including October 1, 2002. The tax rate established in section 2810(c) shall be imposed upon gross receipts as provided in 66 Pa.C.S. § 2810(b) for the period beginning the next January 1. In the event the RNR tax rate is negative, a credit is available only to a taxpayer upon which tax is imposed under 66 Pa.C.S. § 2810(b).

The result of the revenue-neutral reconciliation calculation provided in 66 Pa.C.S. § 2810 is -0.002 . Therefore, a credit equal to the negative tax rate multiplied by the taxable gross receipts for tax periods beginning on or after January 1, 1999, shall be allowed against the taxpayer's liability for a tax for that year imposed under section 1101(b) and (f) of the Tax Reform Code of 1971 (TRC) (72 P.S. § 8101(b) and (f)) and 66 Pa.C.S. § 2810(i), (j) and (k). A taxpayer's combined tax rate is effectively .042, rather than .044.

The utility gross receipts tax rate, however, remains .050 for gross receipts taxable under section 1101(a) of the TRC (72 P.S. § 8101(a)).

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1957. Filed for public inspection November 27, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Montgomery County Project Reference No. 08430AG2266

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design, and construction consultation for S.R. 1023, Section 10S, Swamp Creek Road in Marlborough Township, Montgomery County. This project involves widening and rehabilitation of existing bridge over Unimi Creek, including roadway approaches. Approximate construction length is 395 meters including approaches to the bridge. The estimated project construction cost is \$750 thousand.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking, and signing plans; utility coordination and design; PennDER; Corps of Engineers, municipal officials, and the public; preparation of final plans, specifications, and estimates; shop drawing reviews; and alternate design review.

The selected firm will also be required to provide environmental services to identify and assess the following: historic and archaeological resources; regional and community growth; land use and development patterns; wildlife habitat; wetlands; floodplains; surface water and

ground water; vegetation; geological resources; noise and air quality; parks and recreational facilities; emergency service, health, and educational facilities; utility locations; residential and commercial property values; hazardous waste; aquatic resources; national natural landmarks; vibration; aesthetics and visual qualities; and construction impacts.

The environmental studies will be conducted to prepare a Categorical Exclusion in accordance with accepted analysis techniques and methodologies.

The selected firm will be required to perform the following to insure that 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 mitigation plans. The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; project need; preliminary alternatives analysis; meeting minutes, newsletters; mailing lists; public meetings and hearings; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluation; mitigation plans and reports; hazardous waste mitigation plans; PADER permits, Corps of Engineers 404 permits; formulating and participating in public involvement program; and coordinating the development of the study with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Mr. Timothy R. O'Brien, P.E., at the telephone number listed below.

The consultant shortlist announcement meeting will be held in the Engineering District 6-0 office, 200 Radnor-Chester Road, St. Davids, PA on January 8, 1999 at 10 a.m.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

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

The letter of interest should include no more than four (4) resumes of key staff members for the prime consultant and two (2) resumes for each subconsultant.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. John R. Laughner, P.E., District 6-0, at (610) 964-6539.

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

Bucks County

Project Reference No. 08430AG2267

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design, and construction consultation for S.R. 2095, Section 10S, Dark Hollow Road in Buckingham and Warwick Townships, Bucks County. This project involves removal of existing two span truss bridge with appropriate treatments of roadway approaches. Length of reconstruction is approximately 250 meters. Limits of construction are 100 meters each side of Neshaminy Creek. The estimated project construction cost is \$350 thousand.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking, and signing plans; utility coordination and design; PennDER; Corps of Engineers, municipal officials, and the public; preparation of final plans, specifications, and estimates; and shop drawing reviews.

The selected firm will also be required to provide environmental services to identify and assess the following: historic and archaeological resources; regional and community growth; land use and development patterns; wildlife habitat; wetlands; floodplains; surface water and ground water; vegetation; geological resources; noise and air quality; parks and recreational facilities; emergency service, health, and educational facilities; utility locations; residential and commercial property values; hazardous waste; aquatic resources; national natural landmarks; vibration; aesthetics and visual qualities; and construction impacts.

The environmental studies will be conducted to prepare a Categorical Exclusion in accordance with accepted analysis techniques and methodologies.

The selected firm will be required to perform the following to insure that 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 mitigation plans. The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; project need; preliminary alternatives analysis; meeting minutes, newsletters; mailing lists; public meetings and hearings; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluation; mitigation plans and reports; hazardous waste mitigation plans; PADER permits, Corps of Engineers 404 permits; formulating and participating in public involvement program; and coordinating the development of the study with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the

project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Mr. Timothy R. O'Brien, P.E., at the telephone number listed below.

The consultant shortlist announcement meeting will be held in the Engineering District 6-0 office, 200 Radnor-Chester Road, St. Davids, PA on January 8, 1999 at 10 a.m.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

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

The letter of interest should include no more than four (4) resumes of key staff members for the prime consultant and two (2) resumes for each subconsultant.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. John R. Laughner, P.E., District 6-0, at (610) 964-6539.

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

Allegheny, Beaver and Lawrence Counties
Project Reference No. 08430AG2268

The Department of Transportation will retain an engineering firm for an Open-End Contract for various geotechnical engineering services, preliminary engineering, environmental studies and/or final design services on various projects located in Engineering District 11-0. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design, review and consultation efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), maintenance type remediation and minor location studies. The maximum amount of the Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Understanding of Department's requirements, design manuals, policies and specifications.

c. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms shall be considered.

d. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts.

e. Location of consultant in respect to the District. This will include ability/provisions for quick responses to District requests.

f. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

The firm may be required to perform, but will not be limited to, the following geotechnical engineering services: review of geotechnical work performed by private engineering firms; perform geotechnical design for major Department designed projects; perform geotechnical investigations under a Health and Safety Plan; develop Health and Safety Plans (HASP) for projects; investigate and prioritize slope movements and other geologic hazards for future programming; install and/or monitor geotechnical instruments; perform geophysical investigations; geotechnical consultation during and after construction; review projects developed by local municipalities; drilling inspection in accordance with D.M. 4/D.M. 1 qualifications and criteria; review of wetland designs from a geological and geotechnical perspective; emergency response to geologic hazards; review and comment on Department procedures and documents; review of right-of-way relinquishments; investigate tunnels and design any necessary remediations; review of requests of mine variances; review of permit requests; prepare man-hour loading analyses; investigate stability of retaining systems; develop specifications; water quality sampling and evaluation; review erosion and sedimentation plans from a geological or geotechnical perspective; develop experimental work plan activities and other research activities; review preliminary area reconnaissances (PAR'S), initial site assessments (ISA'S), preliminary site investigations (PSI'S), detailed site investigations (DSI'S) and waste management plans; prepare and review pavement designs; respond to requests from maintenance for various types of investigations; develop and administer subsurface boring sampling and testing contracts; perform stability analyses of slopes and retaining structures; preparation of erosion and sedimentation plans; perform scour analyses and developing remedial solutions; review of contour grading plans; review of storm water management plans; develop remediation schemes for acid mine drainage (AMD) problems; and preparation of geotechnical engineering reports. These services may include, but not be limited to, the following specific items: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; perform related field surveys; plot topography and cross sections.

Most of the drilling and testing services will be provided by the Department through separate service purchase contracts with other contractors. However, the firm may be required to assist with letting separate non-professional contracts for drilling and soil, rock and water testing. The soil and rock testing must be performed at an AASHTO Materials Reference Laboratory (AMRL)

and the water testing must be performed at a Pennsylvania Department of Environmental Resources certified laboratory. Some tests may be required to be performed under a HASP.

The primary services to be provided are geotechnically related; however, other services may be required and they may include, but not be limited to, the following items: prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) and 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; prepare traffic control plans and narrative; 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 costs estimates, permits, insurance, approvals and other required information; alternatives using benefit/cost analysis; document geotechnical study activities and findings; attend coordination and status meetings with District personnel and prepare minutes; and construction plans, specifications including special provisions and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

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; hazardous waste; visual quality; socioeconomic, cultural; Section 4(f) and Section 106 documents; 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 reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; 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 also be required to perform any or all of the following in order to ensure a complete investigation has been performed: plans and lists of areas where soil, rock and water will be impacted and demolition will occur during proposed construction activities.

The 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.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Raymond Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Attention Mr. Richard T. Curry, P.E.

Any technical questions concerning the requirements for this project should be directed to: Mr. William R. Adams, P.E., District 11-0, at (412) 429-4919.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
 Consultant Selection Committee
 7th Floor, Forum Place
 555 Walnut Street
 P. O. Box 3060
 Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation

shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act, WEBs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The Department requests that each Letter of Interest include the following information and that the information be packaged and presented in the order indicated below to facilitate the Department's review and evaluation.

The firm's ability and willingness to package and present the requested information in the above order to facilitate the Department's review and evaluation will be the first factor considered in the evaluation process.

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

2. A fact sheet that includes the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant should indicate on this fact sheet the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm. If the project advertisement indicated the Department will retain a Land Surveying firm for the project, the applicant should indicate on this fact sheet the names and Professional Land Surveyor Registration Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's land surveying activities, and whose names and seals shall be stamped on all plans, plats, and reports issued by the firm.

3. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

4. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 should be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B should specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant should not include more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

5. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, should accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

These Forms should be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Standard Form 255.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Standard Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary should indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

Letters of Interest will be rejected for the following reasons:

1. Received after the cut-off time and date specified above.
2. Failure to identify a Department Certified Disadvantaged Business Enterprise (DBE) if a DBE participation goal is identified in the advertised project.

3. Failure to include a copy of the registration to do business in the Commonwealth, if applicable.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1958. Filed for public inspection November 27, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-177	Insurance Department Medicare Supplement Insurance Minimum Standards	11/10/98
30-49	Pennsylvania Emergency Management Agency Radiation Emergency Response Fund	11/16/98
30-50	Pennsylvania Emergency Management Agency Radiation Transportation Emergency Response Fund	11/16/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1959. Filed for public inspection November 27, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger of a Domestic Stock Life Insurance Corporation With and Into a Non-Domestic Stock Life Insurance Corporation

First Union Life Insurance Company (First Union), a stock life insurance company organized under the laws of the State of Arizona, filed an application to merge with Princeton Life Insurance Company (Princeton Life), a domestic stock life insurance company with First Union

surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P.S. § 991.1402 et. seq.) and the GAA Amendments Act of 1990 (15 P.S. § 21101 et seq.) Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; email <http://www.mgraeff@ins.state.pa.us>.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1960. Filed for public inspection November 27, 1998, 9:00 a.m.]

Children's Health Insurance Program; Public Meetings

The Insurance Department (Department) has created a Concept Document, which is a proposal to improve the Children's Health Insurance Program (CHIP). An opportunity for oral presentation of comments is encouraged at public meetings that are scheduled Statewide. Public meetings will be held as follows:

- | | |
|--|--|
| <i>Location:</i> United Way of Southeast Philadelphia
7 Benjamin Franklin Parkway
Philadelphia, PA 19103 | <i>Date:</i> December 7, 1998
<i>Time:</i> 10 a.m. |
| <i>Location:</i> United Way of Wyoming Valley
9 East Market Street
Wilkes-Barre, PA 18711-0351 | <i>Date:</i> December 8, 1998
<i>Time:</i> 10 a.m. |
| <i>Location:</i> Jewish Community Center
3301 N. Front Street
Harrisburg, PA 17110 | <i>Date:</i> December 9, 1998
<i>Time:</i> 10 a.m. |
| <i>Location:</i> United Way of Allegheny County
1 Smithfield Street
Pittsburgh, PA 15230 | <i>Date:</i> December 10, 1998
<i>Time:</i> 10 a.m. |

Persons wishing to testify about this Concept Document may contact CHIP at the address and telephone number listed as follows to schedule to testify at this meeting. Individuals may also appear at the meeting without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to no more than a 10 minute presentation. The Department requests that individuals provide a written copy of their testimony the day of the meeting. Individuals may submit testimony without personally appearing at the meetings. Written testimony may be sent to the address listed.

Persons with a disability who wish to attend the above-referenced public meeting, and require an auxiliary aid, service or other accommodation to participate in the meeting, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

Interested parties are invited to submit written comments, suggestions or obtain copies of this Concept Document by contacting: Patricia H. Stromberg, Executive Director, Children's Health Insurance Program, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-4789, E-mail: chip@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1961. Filed for public inspection November 27, 1998, 9:00 a.m.]

Hartford Insurance Company of the Midwest; Personal Automobile Rate Revision; Rate Filing

On November 12, 1998, the Insurance Department received from Hartford Insurance Company of the Midwest a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.0% decrease amounting to -\$1,636,000 annually, to be effective February 20, 1999, for renewal business and January 1, 1999, for new business.

Unless formal administrative action is taken prior to January 11, 1999, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mikeb@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1962. Filed for public inspection November 27, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Walter F. Berstler, Sr.; file no. 98-198-07783; The Continental Insurance Company; doc. no. P98-11-009; December 17, 1998, at 10 a.m.;

Appeal of Mary J. Hill; file no. 98-219-34760; Allstate Insurance Company; doc. no. PH98-11-011; December 17, 1998, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1963. Filed for public inspection November 27, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 98-121-07265; Joyce G. McCullough; doc. no. P98-11-010; December 16, 1998, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1964. Filed for public inspection November 27, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Pike County, Wine & Spirits Shoppe #5202, Blooming Grove Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,400 to 3,000 net useable square feet of new or existing retail commercial space along PA Route 739 South of the intersection with I-84 in Blooming Grove Township.

Proposals due: December 18, 1998 at 12:00 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, (717) 657-4228

The following Liquor Control Board lease will expire:

Lehigh County, Wine & Spirits Shoppe #3918, Fairmont Village Unit #173, 7001 Route 309, Coopersburg, PA 18036-1121.

Lease Expiration Date: November 30, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on PA Route 309 within 1 mile of the intersection of Fairmont Street, Upper Saucon Township.

Proposals due: December 18, 1998 at 12:00 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 98-1965. Filed for public inspection November 27, 1998, 9:00 a.m.]

MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND

Notice of and Amount of Surcharge

The Medical Professional Liability Catastrophe Loss Fund, under the authority granted by section 701(e) of the Health Care Services Malpractice Act (40 P.S. § 1301.701(e)) as amended by Act 135 of 1996, has determined that the annual surcharge to be assessed for calendar year 1999 shall be 59% applied to the prevailing primary premium for each health care provider.

Act 135 of 1996 defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 1999 annual surcharge, the JUA rates to be used are \$400,000/\$1,200,000 for health care providers other than hospitals, and \$400,000/\$2,000,000 for hospitals.

Health care providers having approved self-insurance plans shall be surcharged an amount equal to the surcharge imposed on a health care provider of like class, size, risk and kind as determined by the Fund's Director.

JOHN H. REED,
Director

[Pa.B. Doc. No. 98-1966. Filed for public inspection November 27, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad
 With Hearing

C-00981174. Pennsylvania Department of Transportation v. Railroad Ventures, Inc. et al. Complainant raises safety and other issues in this formal complaint, as amended, about various crossings on the Railroad Ventures, Inc. Line: 1) complainant states that

the crossing with the line and SR0051 in Darlington Township, Beaver County (AAR No. 869 979 V) should be suspended due to safety and other reasons; 2) complainant states that the crossing with the line and SR4004 in Darlington Township, Beaver County (AAR No. 869 973 E) should be suspended due to safety and other reasons; 3) complainant states that the crossing with the line and SR4004 in Darlington Township, Beaver County (AAR No. 869 975 T) should be suspended due to safety and other reasons; 4) complainant states that the crossing with the line and SR0051 in Darlington Township, Beaver County (AAR No. 869 985 Y) should be suspended due to safety and other reasons. Complainant requests that the crossings be suspended and that it be reimbursed for its costs in altering the crossing at AAR No. 869 979 V; and requests that upon abandonment of the line that the Commission order Railroad Ventures to abolish the crossings. Additional respondents: The Ohio and Pennsylvania Railroad Company, Darlington Township, Beaver County.

An initial hearing on this matter will be held Wednesday, January 20, 1999, at 10 a.m., 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1967. Filed for public inspection November 27, 1998, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 21, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00115449. Beverly A. Hall and Richard G. Lengel, Copartners, t/d/b/a Lemirage Limousine (347 West Main Street, Newmanstown, Lebanon County, PA 17073)—persons, in limousine service, between points in the counties of Lebanon, Berks, Lancaster and Schuylkill, and from points in the said counties, to points in Pennsylvania, and return.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.

A-00109373, F. 1, Am-A. Roan's Transfer and Storage, Inc. (2100 Whitney Road, Williamsport, Lycoming

County, PA 17701), a corporation of the Commonwealth of Pennsylvania—household goods and office furnishings, in use, between points in the city of Williamsport, Lycoming County, and within 5 miles by the usually traveled highways of the limits of said city: *so as to permit* the transportation of (1) household goods and office furnishings, in use, from points in the city of Williamsport, Lycoming County, and within 5 miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa, provided that no right power or privilege is granted to transport said property from the borough of Montoursville, Lycoming County; (2) household goods in use, works of art, fixtures, office furnishings in use, plant equipment and furnishings, between points in a territory bounded by and including Williamsport, Montoursville, Picture Rocks, Hughesville, Muncy and Montgomery, Lycoming County; (3) household goods in use, works of art, fixtures, office furnishings in use, plant equipment and furnishings, from points in a territory bounded by and including Williamsport, Montoursville, Picture Rocks, Hughesville, Muncy and Montgomery, Lycoming County, to other points in Pennsylvania, and vice versa; (4) household goods in use, works of art, office furnishings and fixtures in use, plant equipment and furnishings, between points on the route of Halls Station and Muncy, Lycoming County, and Towanda, Bradford County, and intermediate points by Highway Route 642, Hughesville Highway Route 220, Eagles Mere, and within 3 miles thereof, and from points in the said territory to points in Pennsylvania, and vice versa; (5) household goods in use from points in the city of Lock Haven, Clinton County, to other points in Pennsylvania, and vice versa; and (6) household goods and office furnishings, in use, from points in the borough of Jersey Shore, Lycoming County, and within 15 miles by the usually traveled highways of the limits of said borough, to other points in Pennsylvania, and vice versa, excluding transportation between points in the city of Williamsport, Lycoming County and the city of Lock Haven, Clinton County; which is to be a transfer of part of the rights authorized to Trencos, Inc., under the certificate issued at A-00095344, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00108945, F. 1, Am-A. Gardner Moving Company (3236 Beacon Hill Avenue, Pittsburgh, Allegheny County, PA 15216), a corporation of the Commonwealth of Pennsylvania—inter alia—household goods, personal effects and property used to or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal of the householder from one domicile to another; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments in connection with the removal from one location to another; and articles, in use, including objects of art, displays, and exhibits which because of their unusual nature or value, require special handling and equipment usually employed in moving household goods between points in the county of Allegheny, and from points in said county to points in Pennsylvania; subject to

the following condition: that no right, power or privilege is granted to provide service to points in the counties of Chester and Montgomery, and the city of Harrisburg, Dauphin County, and points within 10 miles by the usually traveled highway of the limits of said city: *so as to permit* the transportation of household goods in use, between points within an airline radius of 75 statute miles of the Allegheny County Courthouse, located in the city of Pittsburgh, Allegheny County. *Attorney:* Mark C. Stephenson, 1900 Market Street, Philadelphia, PA 19103.

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 14, 1998.

- | | |
|------------|--|
| A-00115443 | Christopher P. Walker, t/a C.W. Trucking
P. O. Box 23, Shanksville, PA 15560-0023 |
| A-00115444 | Walter E. Miller, III, t/a Walter Miller
Trucking
117 Oak Lane, Beaver Falls, PA 15010 |
| A-00115445 | Gerald Malorgio, t/a J. C. Malorgio
Trucking
P. O. Box 81, Morton, PA 19070-0081 |
| A-00115446 | Richard E. Keener, t/a R. E. Keener
Trucking
151 Lancaster Estates, Mount Joy, PA 17552 |
| A-00115454 | James A. Smith, Sr., t/a Jim's Auto
Transport
4593 S. R. 103-N, Lewistown, PA 17044 |
| A-00115453 | Owen Schlauch, t/a MTAR Towing & Recovery
R. 1246 Sans Souci Parkway, Wilkes-Barre, PA 18702; Stephen J. Fendler,
584 Wyoming Avenue, Kingston, PA 18704-3702 |
| A-00115452 | T. J. McGeehan Sales & Service, Ltd.
R. R. 1, Box 101-D, White Haven, PA 18661; Senape & Associates, 612-614
Main Street, P. O. Box 179, Freeland, PA 18224-0179 |
| A-00115450 | Reo's Towing, Inc.
121 Second Street, Plains Township, PA 18702 |
| A-00115451 | Allenergy Marketing Company, LLC, t/a
AE Fuels L.L.C.
R. R. 1, Box 97B, White Haven, PA 18661; Henry M. Wick, Jr., 1450 Two
Chatham Center, Pittsburgh, PA 15219-3427 |
| A-00115441 | Saint Regis Courier Service, Inc.
16 Motrose Avenue, Upper Darby, PA 19082 |
| A-00115440 | Frank D. Kranyc, t/a F.D.K. Transport
120 Ridgeview Road North,
Elizabethtown, PA 17022 |

A-00115438 William B. Anderson, Jr., t/a Anderson Hauling
373 Linfield Trappe Road, Limerick, PA 19468

A-00115439 Harold R. Rock, t/a H. Rock Trucking
784 Sportsman Road, Somerset, PA 15501

A-00112152F.2 Grand View Limousine, Inc.
803 Perry Hwy, Pittsburgh, PA 15229;
David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427

JAMES J. MCGINLEY,
Secretary

[Pa.B. Doc. No. 98-1968. Filed for public inspection November 27, 1998, 9:00 a.m.]

Sewer Service Without Hearing

A-230210F2000. Borough of Kutztown. Application by the Borough of Kutztown for approval of termination of sanitary sewer service certificate of convenience regarding service districts in Maxatawny Township, Berks County, PA, for the purpose of conveyance of certain facilities and operations in the service districts to the Kutztown Municipal Authority.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before December 14, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Borough of Kutztown

Through and By Counsel: Timothy G. Dietrich, Esquire, Rhoda, Stoudt & Bradley, Sixth Floor, The Berkshire, 501 Washington Street, P. O. Box 877, Reading, PA 19603-0877

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1969. Filed for public inspection November 27, 1998, 9:00 a.m.]

Water Service Without Hearing

A-221700F2000. Borough of Kutztown. Application by the Borough of Kutztown for approval of termination of water supply service certificate of convenience regarding service districts in Maxatawny Township, Berks County, PA, for the purpose of conveyance of certain facilities and operations in the service districts to the Kutztown Municipal Authority.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before December 14, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Borough of Kutztown

Through and By Counsel: Timothy G. Dietrich, Esquire, Rhoda, Stoudt & Bradley, Sixth Floor, The Berkshire, 501 Washington Street, P. O. Box 877, Reading, PA 19603-0877

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1970. Filed for public inspection November 27, 1998, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

The Public Official and Employee Ethics Law requires that the State Ethics Commission (Commission) hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting in 307 Finance Building, Harrisburg, PA on December 15, 1998, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present statements, information or other comments in relation to the Ethics Law, the regulations of the Commission or agency operations should contact Claire Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 98-1971. Filed for public inspection November 27, 1998, 9:00 a.m.]

STATE POLICE

Implementation of the Pennsylvania Instant Check System

The State Police, under the requirement contained in the Uniform Firearms Act, 18 Pa.C.S. § 6111.1 (relating to Pennsylvania State Police) announces the implementation of the Pennsylvania Instant Check System (PICS) on November 30, 1998, for firearms (long guns) which exceed the barrel lengths set forth in 18 Pa.C.S. § 6102 (relating to definitions).

Questions concerning this notice should be directed to the PICS administrative unit at (717) 783-5598.

COLONEL PAUL J. EVANKO,
Commissioner

[Pa.B. Doc. No. 98-1972. Filed for public inspection November 27, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering or Construction Management Firm

Construction Inspection/Project Management Services for the Roadway and Bridge Reconstruction between Mileposts 187.00 and 197.00 Franklin County, PA

Reference No. 2-055

The Turnpike Commission (Commission) will retain an Engineering or Construction Management firm with full depth highway replacement and structure inspection experience to provide a staff of approximately seven field inspection personnel for the complete construction inspection, management, administration and documentation for the Roadway and Bridge Reconstruction Project between mileposts 187.00 and 197.00, in Franklin County. Construction will include the total removal of the existing roadway and replacement with a bid alternate of flexible or rigid pavement. Roadway widening, guiderail and drainage work will also be performed. Structure work includes the widening and redecking of bridge B-110A at milepost 190.58, the replacement of bridges B-462 and B-464 at milepost 190.71 and 196.29, widening of bridge B-460 at milepost 188.59, widening of culvert S-228A at milepost 188.97 and various repairs to bridges B-359 and B-335 at mileposts 188.82 and 191.18. Major construction will be scheduled for the spring and fall construction seasons. Construction costs are estimated at \$46 million. The consultant agreement is anticipated to start in January 1999 and terminate in September 2001.

The selected firm will be required to provide a full time on-site construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm will also be required to perform constructability reviews, attend the prebid meeting and preconstruction conference, write all project correspondence and review and approve contractor's submissions. In addition, the selected firm will be required to keep records utilizing the Turnpike's Construction Documentation System (CDS) to document the construction work, prepare current and final estimates for payment to the construction contractor, prepare change orders, conduct monthly job conferences, monitor the monthly progress, provide liaison with affected utilities and communities, conduct semifinal and final inspections, determine the final quantities of each contract item, and perform other duties as may be required.

Eighty percent (80%) of the inspection staff assigned to this Commission constructed project must meet the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies, (NICET) as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a professional engineer by the Commonwealth of Pennsylvania with 1 year highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of highway inspection experience acceptable to the Commission.
4. Hold a Bachelor of Science Degree in Civil Engineering or Civil Engineering Technology with 2 years of highway inspection experience acceptable to the Commission.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from high school or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

Experience—One year of experience in construction inspection or workmanship which requires reading and interpreting construction plans and specifications, or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2- to 4-year engineering college degree may be substituted for 1 year of experience.

Questions and inquiries concerning this project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, Ext. 5210, or by email at mwagner@paturnpike.com.

General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Michael W. Flack, P.E., Assistant Chief Engineer—Construction, at the PA Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange (No. 19). (FedEx address: Route 283 and Eisenhower Boulevard, Highspire, PA 17034; Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676.

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. Explanation that the firm has successfully completed similar type projects, of the same magnitude, is required. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporation not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Commission 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 Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection/project management projects to 100% for field staff and 130% for office staff, or the consultant's actual audited overhead rate, whichever is less.

The following factors should be identified by the consultant in their submission:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities of completing this project by identifying similar full depth highway pavement replacement projects that they have inspected, the magnitude of the project and the client.

(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) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the expanded letter of interest will require written approval from the Commission. (Please note DBE/MBE/WBE participation requirements as follows)

(F) Special requirements of the project.

(G) An organization chart for the project, identifying key personnel. Only resumes of key personnel should be included.

(H) Other factors, if any, specific to the project.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10%. Responding firms shall identify DBE/MBE/WBE firms, expected to participate in this contract, in their expanded letter of Interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Pennsylvania Department of Transpor-

tation at the time of the submission of the expanded letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551, Ext. 4241.

The expanded letter of interest and required forms must be received by 12 p.m., Friday, December 18, 1998. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-1973. Filed for public inspection November 27, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8062430 Agricultural machinery and supplies—2 each heavy duty tire changer Corghi HD-52L or approved equal.

Department: Transportation
Location: Bloomsburg, Columbia County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

8112930 Chemicals and chemical products—5,500 solar or evaporated sodium chloride for delivery at various locations.

Department: Transportation
Location: Various
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1348218 Clothing and individual equipment—1 pair regular high shoes (leather soles) shoes to have Goodyear welt, steel shank, widths A to EEE, brand name or approved equal youths and misses sizes (12 1/2—3); 2 pair regular high shoes (leather soles) Growing boys and girls sizes (3 1/2—6); 2 pair regular high shoes (leather soles) adult sizes (6 1/2—13); 11 pair regular high shoes (composition soles) youths and misses size (12 1/2—3); 20 pair regular high shoes (composition soles) growing girls and boys sizes (3 1/2—6); 120 pair regular high shoes (composition soles) adult sizes (6 1/2—13); 3 pair regular low shoes (leather soles), low regular shoes supplied with Velcro closures if requested, youths and misses sizes (12 1/2—3); 4 pair regular low shoes (leather soles) growing boys and girls sizes (3 1/2—6); 15 pair regular shoes (leather soles) adult sizes (6 1/2—13); 30 pair regular shoes (composition soles) low regular shoes supplied with Velcro closures if requested, youths and misses sizes (12 1/2—3); 40 pair regular low shoes growing boys and girls sizes (3 1/2—6); 140 pair regular low shoes (composition soles) adult sizes (6 1/2—13); 2 pair high leather athletic shoes (tennis) youths and misses sizes (12 1/2—3); 3 pair high leather athletic shoes (tennis) growing boys and girls sizes (3 1/2—6); 5 pair high leather athletic shoes (tennis) adult sizes (6 1/2—13); 1 pair low leather athletic shoes (tennis) youths and misses sizes (12 1/2—3); 2 pair low leather athletic shoes (tennis) adult sizes (6 1/2—13); 5 pair leather sandals adult ladies sizes (6 1/2—12); 5 pair leather sandals, adults mens sizes (6 1/2—12).

Department: Public Welfare
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1412118 Clothing and individual equipment—66,000 pair soles, mens composition, 14 iron, brown.

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

PSU 4812-g Computer and related equipment—2 each 24 port switch/ATM uplink/24 port module.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, (814) 865-1402; fax (814) 865-3028

PSU 4811-g Computer and related equipment—3 each ports and management modules.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, (814) 865-1402; fax (814) 865-3028

PSU 4809-g Computer and related equipment—3 each LAN video and module.

Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, (814) 865-1402; fax (814) 865-3028

8176230 Containers, packaging and packing supplies—5 each furnish and set-up magnesium/calcium tank system at five locations.

Department: Transportation
Location: Hyde, Clearfield County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1373138 Food preparation and serving equipment—1 each three compartment gas fired steam cooker Model No. 3AM36G300A MF3AM36G300A Market Forge or approved equal.

Department: Veterans Affairs
Location: Northeastern Veterans Center, Scranton, Lackawanna County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1276138 Motor vehicles, trailers and cycles—1 each 1999 model heavy duty four wheel drive pickup truck.

Department: Scotland School for Veterans Children
Location: Scotland, Franklin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1283358 Motor vehicles, trailers and cycles—1 each latest model 20 ton lowboy trailer.

Department: Environmental Protection
Location: Ebensburg, Cambria County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1417078 Paper and printing—500M H105.105 (Rev 1/99) Certification of Birth.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

7314170 Paper and printing—50 M rolls paper, printer, 3 part for use on Verifone 250 credit card terminal.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1418118 Restraining equipment—11 each No. PCEV four pocket padded cell extraction vest, manufacturer: Magnum Tactical Supply size 8 large; 3 medium; 4 each No. PCEV/WR four pocket padded cell extraction vest w/radio pocket, Manufacturer Magnum Tactical Supply size 4 large; 15 each No. PCEV-GP padded cell extraction vest groin protector Manufacturer Magnum Tactical Supply; 15 each No. SBP shoulder-biceps protector Manufacturer Magnum Tactical Supply; 15 each No. FAP forearm/hand protectors Manufacturer Magnum Tactical Supply; 15 each No. SKP shin/knee protectors, Manufacturer Magnum Tactical Supply.

Department: Corrections
Location: Karthaus, Clearfield County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1344218 Steam plant and drying equipment—1 each water heater, semi-instantaneous, vertical domestic, boiler output steam pressure.

Department: Public Welfare
Location: Warren State Hospital, North Warren, Bradford County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Construction—09

Contract No. FDC-304-516 Removal of silt, approximately 9,100 c. y., from Doubling Gap Lake, erosion and sedimentation control measures, and landscaping at Colonel Denning State Park.

Department: Conservation and Natural Resources
Location: Lower Mifflin Township, Cumberland County, PA
Duration: March 31, 1999
Contact: Construction Management Section, (717) 787-5055

Food—19

181828 Bread, rolls and related products, fresh for Warren State Hospital. Complete specifications may be obtained by contacting the hospital. Award to be made on an aggregate basis. Contract period January 01, 1999—June 30, 1999.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099
Duration: January 01, 1999—June 30, 1999
Contact: BD Muntz, (814) 726-4496

Engineering Services—14

08430AG2268 Open-end contract to provide geotechnical engineering, preliminary engineering, environmental studies and final design services in District 11-0, that is Allegheny, Beaver and Lawrence Counties.

Department: Transportation
Location: Engineering District 11-0
Duration: Sixty (60) calendar months
Contact: Consultant Agreement Division, (717) 783-9309

HVAC—22

Inquiry No. 42 The contract is to provide for labor and materials to replace boiler casings in four boilers of boiler. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: January 30, 1999 to June 30, 1999
Contact: T. F. Snyder, Purchasing Department, (610) 740-3428

Inquiry No. 43 The contract will provide for the labor and material for repairs to the coal elevator in the boiler plant. A copy of the bid proposal can be obtained by contacting the Purchasing Department at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: January 30, 1999 to June 30, 1999
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Inquiry No. 44 This contract provides for the labor and material needed to repair boiler exhaust stack in boiler plant. A copy of the bid proposal can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3428 or by fax at (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: January 30, 1999 to June 30, 1999
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Project No. 510 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 201 Pine Street, Box 483, Berwick, Columbia County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 511 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 201 Pine Street, Box 483, Berwick, Columbia County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 512 Provide emergency and routine repair work for heating system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 201 Pine Street, Box 483, Berwick, Columbia County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 513 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 38 Barbour Street, Bradford, McKean County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 514 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 504 Cavalry Road, Carlisle, Cumberland County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 515 Provide emergency and routine repair work for heating system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 1010 Lincoln Way West, Chambersburg, Franklin County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 516 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 108 West Washington Avenue, Connellsville, Fayette County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 517 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 108 West Washington Avenue, Connellsville, Fayette County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 518 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 205 East Washington Street, Corry, Erie County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 519 Provide emergency and routine repair work for heating system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 271 Washington Street, East Stroudsburg, Monroe County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 520 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 301 Tenth Street, Ford City, Armstrong County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 521 Provide emergency and routine repair work for heating system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 301 Tenth Street, Ford City, Armstrong County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 522 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, R. D. 1, Box 103, Friedens, Somerset County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 523 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 51 West Clearview Road, Hanover, York County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 524 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Army, 740 North Hermitage Road, Hermitage, Mercer County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 525 Provide emergency and routine repair work for air conditioning system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 1720 East Caracas Avenue, Hershey, Dauphin County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 526 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, R. D. 2, Box 152B, Tamaqua, Schuylkill County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 527 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, R. D. 2, Box 152B, Tamaqua, Schuylkill County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 528 Provide emergency and routine repair work for heating system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, R. D. 2, Box 152B, Tamaqua, Schuylkill County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 529 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 236 Standing Stone Avenue, Huntingdon, Huntingdon County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 530 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 208 Chestnut Street, Kane, McKean County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 531 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 208 Chestnut Street, Kane, McKean County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 532 Provide emergency and routine repair work for heating system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 208 Chestnut Street, Kane, McKean County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 533 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 1101 Route 522N, Box 589, Lewistown, Mifflin County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 534 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, P. O. Box 510, R. D. 1, Lock Haven, Clinton County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

Project No. 535 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within two hours of receiving a call either directly or by means of a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, Smythe Park, Mansfield, Tioga County, PA
Duration: July 1, 1999—June 30, 2002
Contact: Emma Schroff, (717) 861-8518

CRE-0232 Contractor shall remove existing Seedwater lines and replace the lines going to three boilers located at the State Correctional Institution at Cresson. Contractor shall provide all labor and materials needed for project, to include, but not limited to, Schedule 90 pipe, valves and fittings. Testing of pipe and fittings for leaks to be completed at conclusion of work. Contractors required to visit site prior to submitting bid proposal. Any asbestos pipe insulation to be removed by State Correctional Institution Cresson staff. Bid proposal on file in agency purchasing department.

Department: Corrections
Location: State Correctional Institution at Cresson, Old Route 22, Cresson, PA 16630
Duration: January 15, 1998—June 30, 1999
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

FM 338032540 Contractor will supply all labor, tools, equipment and building materials needed for the installation of a complete and operating electrical system. Complete specifications and drawings can be obtained by contacting the Procurement Office. Site visit mandatory.

Department: Public Welfare
Location: Basement of Health and Welfare Building, Harrisburg, PA 17105
Duration: December 01, 1998 through June 30, 1999
Contact: Louise Carricato, Purchasing Agent, (717) 783-1083

Laboratory Services—24

SP-LAB Medical laboratory services—including profiles and miscellaneous tests.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648
Duration: February 01, 1999 through June 30, 2000
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

Lodging/Meeting—27

BOOT-99-001 The Pennsylvania Emergency Management Agency plans to conduct the 1999 and 2000 Pennsylvania Conferences on Emergency Management on September 26, 27, 28 and 29, 1999 and on September 24, 25, 26 and 27, 2000. The conferences will be conducted at facilities within this Commonwealth. Facilities needed will be: up to 350 single lodging rooms, meals for up to 400 persons, conference facilities, including a large meeting room for plenary sessions (400 persons) and up to three additional breakout rooms (150 persons each), and approximately 4,000 square feet of indoor and 6,000 square feet of outdoor display space. Prospective bidders may bid on one or both conferences. PEMA will award the contract based on lowest price by year after preview of the facility.

Department: PA Emergency Management Agency
Location: Statewide
Duration: Commence upon execution with 1 year renewal
Contact: Christopher Nolan, (717) 651-2191

Property Maintenance—33

040104 Seed bed preparation for wildflower planting on approximately 65 acres. Plant bed preparation for bulb plantings on approximately 15 acres. All work performed in District 4-0, Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Contractor must be Department pre-qualified landscape contractor. Specifications may be obtained from District 4-0 Roadside Specialist from 8 a.m. to 4 p.m., Monday through Friday, or by faxing company name, address and bid information requested at (717) 963-4245.

Department: Transportation
Location: District 4-0: Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties, PA
Duration: Indeterminate 1998-99
Contact: Martha Spaide, (717) 963-4048

040105 The Department of Transportation, District 4-0, requires the furnishing and planting of ornamental shrubs and tubers on approximately 8 acres of Interstate Highway in Luzerne and Lackawanna Counties. All methods and materials required to complete project must comply with Publication 408. The Department requires pre-qualified landscape contractors. Requests for bid packages may be received from District 4-0 by faxing (717) 963-4245 "Attn: Roadside" or by phoning (717) 963-4048, 8 a.m. to 4 p.m. Monday through Friday.

Department: Transportation
Location: Luzerne and Lackawanna Counties, PA
Duration: 3 years
Contact: Martha Spaide, (717) 963-4048

030-0311 Roadside mowing on Interstate and primary traffic routes in District 3-0. Contractor to provide all equipment, labor, material and traffic control to complete contract according to Bid Specifications. Job to be bid on a road mile and additional acres as directed basis. Payment will be made lump sum on a per cycle, per county basis. All requests for bid packages must be received by fax at (717) 368-4343 (Attn: Lyndon Mink).

Department: Transportation
Location: Columbia, Lycoming, Montour, Northumberland and Union Counties, PA
Duration: 1 year/two 2-year renewals
Contact: Lyndon B. Mink, (717) 368-4224

0120 018 Mow approximately 696 acres of interstate right of way. I90 east and west lanes from Ohio state line to New York state line, I79 from Crawford County line to Bayfront Highway, Route 17 from I90 Interchange to New York state line. A bid package can be obtained upon request by contacting Dave Musser at (814) 871-4411 or faxing request to (814) 871-4396.

Department: Transportation
Location: Erie County, PA
Duration: 1 year plus four renewals—total 5 years
Contact: Dave Musser, (814) 871-4411

WC 704 West Chester University is soliciting sealed bids for the replacement of an estimated 504 windows and corresponding sealants in Goshen Hall. It is anticipated that the work will begin on or about March 22, 1999. Prevailing wages apply.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: 160 days from Notice to Proceed
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Heavy Equipment—38

325925 Inspection, servicing and repair of emergency generators and transfer switches at Norristown State Hospital buildings. Inspections will be made quarterly, parts and repairs necessary for proper operation of equipment are to be supplied and installed, checked and tested.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: January 1, 1999 through December 31, 2001
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

Miscellaneous—39

98-2 Entrepreneurial Assistance to Persons with Severe Disabilities served through the Washington District Office, PA Office of Vocational Rehabilitation. Provide entrepreneurial assistance service to persons with severe disabilities living in Washington, Fayette and Greene Counties. The assistance, in the form of comprehensive evaluation, training and technical assistance specific to each person's needs, will enable people with severe disabilities to become entrepreneurs, establishing and operating their own businesses.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, Room 1320, Labor and Industry Building, Harrisburg, PA 17120
Duration: April 01, 1999—March 30, 2001
Contact: Raymond L. Walker, (717) 787-5735

340054 Lead sample analysis. Service to include paint chips, soil, dust samples testing. All tests must be below the HUD standard of 0.5%—testing lab must supply sample containers to our maintenance department. The testing lab must give a verbal report within 4 hours and a written report within 24 hours of sample taken in house by MSH staff. The lab must be accredited by NLLAP.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1999—June 30, 2004
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

340055 To provide annual inspection and testing of wet sprinkler system and related equipment at 14 areas and annual inspection and testing of dry sprinkler systems and related equipment at 10 areas at Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1999—June 30, 2004
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

ASA9801 Request for Proposal (RFP) Office of the Chancellor, State System of Higher Education seeks to secure the services of a vendor to conduct research and assist policy development in the area of articulation with community colleges and student transfer. The vendor will be required to have a final report with recommendations completed by March 1, 1999. If interested, a copy of the RFP may be obtained by writing Dr. Frank Gerry at the following address.

Department: State System of Higher Education
Location: 2986 North Second Street, Harrisburg, PA 17110
Duration: Indeterminate 1998-99
Contact: Dr. Frank Gerry, (717) 720-4176

HUN 325 Weapons—pistols, rifles and shotguns, various models, makes and accessories. Bid proposal available and on file within the Agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: December 1, 1998—March 1, 1999
Contact: Robert Jessell, Purchasing Agent, (814) 643-2400

RFP No. ASA9802 The SSHE is soliciting proposals for a general education study of undergraduate curriculum in the State System of Higher Education Universities. The time frame of the study is January, 1999—April, 1999. Please contact Linda Venneri at (717) 720-4135; fax (717) 720-7135 to receive an RFP package. Proposals must be submitted by December 11, 1998, 4 p.m.

Department: State System of Higher Education
Location: 2986 North Second Street, Harrisburg, PA 17110
Duration: Indeterminate 1998—99
Contact: Linda Venneri, (717) 720-4135

SP 343929 The Bureau of Correction Education, Department of Education is seeking a contractor to coordinate independent field audits of the educational programs in nine adult State correctional institutions using standards established by the Correctional Education Association for accreditation of correction education programs. All auditors must be Correctional Education Association approved.

Department: Education
Location: Bureau of Correction Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333
Duration: January 1, 1999—June 30, 1999 renewable up to a maximum of 5 years
Contact: Allena Bennett, Administrative Officer, (717) 783-9209

RFP No. 33-98 In December 1998, the Commonwealth of Pennsylvania intends to publish a Request for Proposal (RFP) to implement a centralized State collection and disbursement unit (SCDU) by no later than October 1, 1999. The SCDU must be implemented in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and include central processing and banking services for the collection and disbursement of child support enforcement funds. In addition, the SCDU must interface with the Pennsylvania Child Support Enforcement System (PACES) that performs the support distribution funds mandated under the Family Support Act of 1998. Copies of the RFP are available by contacting James Doyle at (717) 783-3994.

Department: Public Welfare
Location: 422 Health and Welfare Building, Harrisburg, PA 17120
Duration: Three year contract with one 2-year renewal
Contact: James Doyle, (717) 783-3994

[Pa.B. Doc. No. 98-1974. Filed for public inspection November 27, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1073118-01	11/16/98	Sonco World-wide	34,495.00
1079118-01	11/16/98	Chemtick Coated Fabrics, Inc.	44,940.00
1168128-01	11/16/98	Griffith and Pentz, Inc.	14,489.00
1193228-01	11/16/98	Laser Imaging Systems, Inc.	14,620.00
1205208-01	11/16/98	Lamination Service, Inc.	6,706.00
1231168-01	11/16/98	Vibrations Promotions and Advert.	6,818.50
1233208-01	11/16/98	Moore USA, Inc.	2,760.00
1260148-01	11/16/98	Courtpro Systems and Tech	10,944.50
1325358-01	11/16/98	Direct Access International, Inc.	340,000.00
1988157-01-1	11/16/98	Curran Taylor, Inc.	34,900.00
2805-01 RIP No. 1	11/20/98	Plasterer Equipment Company, Inc.	25,000.00
3610-07	11/10/98	Muratec America, Inc.	50,000.00
3610-07	11/10/98	Mita Copystar America, Inc.	50,000.00
3610-07	11/10/98	Danka Omnifax	50,000.00
3610-07	11/10/98	Brother International Corp.	50,000.00
3610-07	11/10/98	Lanier World-wide	75,000.00
3610-07	11/10/98	Ikon Office Solutions, Inc.	100,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
3610-07	11/10/98	Sharp Electronics	75,000.00
3610-07	11/10/98	Xerox Corporation	75,000.00
3610-07	11/10/98	Omni Equipment Corp.	50,000.00
3610-07	11/10/98	GE Richards, Inc.	100,000.00
3610-07	11/10/98	Pitney Bowes, Inc.	75,000.00
3610-07	11/10/98	Panasonic Office Products Co.	75,000.00
6640-04	11/10/98	Neogen Corporation	277,200.00
6675-01	11/15/98	Xerox Corporation	90,000.00
6675-01	11/15/98	Charrette	90,000.00
6675-01	11/15/98	Dietzgen Corporation	60,000.00
6675-01	11/15/98	OCE	90,000.00
6675-01	11/15/98	Joseph Cogan	60,000.00
8249680-01-1	11/16/98	Lancaster Automobile Springs Co.	20,205.00
8405-02	11/18/98	Chem Tex Corporation	136,343.00
9905-06	11/18/98	American Traffic Safety Material	13,125.00
9905-06	11/18/98	Avery Dennison	5,187.75
9905-06	11/18/98	3M Company—TCM Division	2,012,551.12
9905-06	11/18/98	Samsonite Corporation	64,037.50
9905-06	11/18/98	Nippon Carbide Industries, Inc.	102,245.66

GARY E. CROWELL,
Secretary

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