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PENNSYLVANIA BULLETIN

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In this issue:

The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Health Care Cost Containment Council
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Architects Licensure Board
State Board of Dentistry

Detailed list of contents appears inside.

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

No. 268, March 1997

PENNSYLVANIA

BULLETIN

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Contents

THE COURTS

CIVIL PROCEDURAL RULES

Amendment of the rules providing for expedited proceedings in paternity; no. 276; doc. no. 5 1549

DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

Current schedule of Continuing Legal Education courses required for reinstatement under §§ 89.275 and 89.279 of the Disciplinary Board Rules 1552

JUDICIAL SYSTEM GENERAL PROVISIONS

Pennsylvania Commission on Sentencing; adoption of sentencing guidelines (correction)..... 1548

LOCAL COURT RULES

Crawford County

Adoption of Civil Rule L1903.7: Civil Contempt; A. D. 1992-5 1552

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications..... 1580

DEPARTMENT OF ENVIRONMENTAL PROTECTION

See also ENVIRONMENTAL QUALITY BOARD

Notices

Applications, actions and special notices..... 1581
 Availability of technical guidance 1606

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards..... 1633
 State contracts information..... 1622

DEPARTMENT OF HEALTH

Proposed Rulemaking

Notice of review of regulations relating to personnel administration in county health departments and relating to State aid to local health Departments..... 1553

DEPARTMENT OF PUBLIC WELFARE

Statements of Policy

Exemptions from immunization requirements in child day care facilities..... 1579

Notices

Additional disproportionate share payment..... 1607
 Discontinuance of the mandatory Second Opinion Program (SOP); notice of rule change 1608

DEPARTMENT OF TRANSPORTATION

Notices

Approved speed-timing devices and appointment of maintenance and calibration stations; addendum and revision 1610

Bureau of Motor Vehicles; International Registration Plan..... 1610
 Retention of engineering firms..... 1611

ENVIRONMENTAL HEARING BOARD

Notices

Keystone Cement Company v. DEP; EHB doc. no. 95-151-MG 1615

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking

Financial assistance 1553
 Great Lakes Initiative (GLI)..... 1561

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Application of APR-DRG Grouper Software..... 1616
 Meeting notice..... 1616

HISTORICAL AND MUSEUM COMMISSION

Notices

National Register Nominations to be reviewed at the Historic Preservation Board meeting 1617

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of filing of final-form rulemakings..... 1617

INSURANCE DEPARTMENT

Proposed Rulemaking

Certificates of insurance..... 1564
 Pennsylvania FAIR Plan 1565

Notices

Application for acquisition of Keystone Health Plan East, Inc. 1617
 Application for conversion of a mutual insurance corporation..... 1617
 Request for plan approval of a merger 1618
 Review procedure hearings; cancellation or refusal of insurance 1618
 Review procedure hearings under The Unfair Insurance Practices Act 1618

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

British Telecommunications plc et al.; telecommunications service..... 1620
 Commonwealth Long Distance Company and Commonwealth Communications, Inc.; telecommunications service..... 1620
 Service of notice of motor carrier applications..... 1619

STATE ARCHITECTS LICENSURE BOARD

Proposed Rulemaking

General revisions 1566

STATE BOARD OF DENTISTRY

Proposed Rulemaking

Fees 1577

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

4 Pa. Code (Administration)

Adopted Rules

1	919, 1003, 1007
5	921
7	921, 1005

Statements of Policy

9	450, 737, 1048, 1367
---------	----------------------

10 Pa. Code (Banks and Banking)

Proposed Rulemaking

42	807
----------	-----

13 Pa. Code (Commerce and Trade)

Statements of Policy

55	1369
----------	------

16 Pa. Code (Community Affairs)

Adopted Rules

15	18
----------	----

25 Pa. Code (Environmental Protection)

Adopted Rules

260	237
261	237
262	237
263	237
264	237
265 (with correction)	237, 413
266	237
270	237
271	521
272	521
273	521
275	521
277	521
279	521
281	521
283	521
285	521
287	521

Proposed Rulemaking

77	875
86	730, 1446
92	1459
93	1449, 1561
95	1459
101	1459
103	1553
171	735
271	893
272	893
273	893
277	893
279	893
281	893
283	893
285	893
287	893
288	893
289	893
291	893
293	893

295	893
297	893
299	893

Statements of Policy

83	1472
----------	------

Proposed Statements of Policy

15	1473
----------	------

28 Pa. Code (Health and Safety)

Proposed Rulemaking

13	1553
15	1553
29	928

31 Pa. Code (Insurance)

Adopted Rules

66	19
163	295

Proposed Rulemaking

111	1565
113	1564

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

5	413
---------	-----

Proposed Rulemaking

9	1566
33	1577

Proposed Statements of Policy

21	194
----------	-----

52 Pa. Code (Public Utilities)

Adopted Rules

1	414
3	414
5	414
53	301
57	414
59	414
65	799
69	799

Proposed Rulemaking

53	1012, 1027
54	1012, 1027
57	1162
58	1165
Unclassified	809, 934

55 Pa. Code (Public Welfare)

Statements of Policy

3270	1579
3280	1579
3290	1579

58 Pa. Code (Recreation)

Adopted Rules

51	1153
53	1153

61 1155
 65 1155
 69 1155
 91 1156
 97 1156
 99 1156
 111 1156
 115 1156
 141 (with correction) 313, 586

Proposed Rulemaking
 53 1159
 65 1468
 67 1468
 69 1468
 105 1159
 109 1159
 139 928
 141 1364
 143 928
 147 1161, 1364

Statements of Policy
 57 317

61 Pa. Code (Revenue)
Proposed Rulemaking
 31 933

67 Pa. Code (Transportation)
Adopted Rules
 476 1352

201 Pa. Code
Adopted Rules
 7 794

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 71 795, 796
 73 797
 82 411
 83 1434
 89 288
 211 (with correction) 289
 303 (with correction) 1252, 1548

Proposed Rulemaking
 303 289

207 Pa. Code (Judicial Conduct)
Adopted Rules
 3 1010
 5 1010

210 Pa. Code (Appellate Procedure)
Adopted Rules
 65 715
 67 1282

225 Pa. Code (Rules of Evidence)
 Unclassified 1282

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 293
 1300 1441
 1900 715
 1910 722, 1549
 3000 1441
 4000 1443
 Unclassified 581

Proposed Rulemaking
 200 924, 1434
 400 1434
 1000 924, 1434
 1300 1434
 1910 1434
 2300 1434
 2950 1434
 2970 1434
 3000 1434
 4000 924, 1443

249 Pa. Code (Philadelphia Rules)
 Unclassified 926

252 (Allegheny County Rules)
 Unclassified 581

255 Pa. Code (Local Court Rules)
 Unclassified 8, 12, 16, 17, 188, 294, 412, 583, 584,
 723, 727, 798, 1011, 1152, 1552

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PENNSYLVANIA COMMISSION ON SENTENCING [204 PA. CODE CH. 303]

[Correction]

Adoption of Sentencing Guidelines

Errors appeared in the adoption of the Sentencing Guidelines published at 27 Pa.B. 1252, 1268, 1281 and 1282 (March 15, 1997). In § 303.15 (relating to offense listing), the Offense Titles for 18 Pa.C.S. §§ 4105(c)(1)(iv), 4107(a.1)(1)(i) and 4107(a.1)(3)(i) were printed incorrectly. In § 303.17 (relating to DWE/Possessed Matrix), some of the lines in the "Prior Record Score" were printed incorrectly. In § 303.18 (relating to DWE/Used Matrix), some of the lines in the "Prior Record Score" were printed incorrectly and a ">" symbol was incorrectly printed.

The correct version of these sections appears in Annex A, with ellipses referring to the existing text of the Guidelines.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES

§ 303.15. Offense Listing.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	* * * * *			
4105 (c)(1)(iv)	Bad Checks (\$1,000 <\$75,000)	M1	3	m
	* * * * *			
4107 (a.1)(1)(i)	Deceptive or Fraudulent Business Practices (> \$2,000)	F3	5	1
	* * * * *			
4107 (a.1)(3)(i)	Deceptive or Fraudulent Business Practices (> \$2,000; victim 60 yrs.+)	F2	7	2
	* * * * *			

§ 303.17. DWE/Possessed Matrix

Prior Record Score

Level	OGS	Deadly Weapon	0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Possessed	81-240	93-240	105-240	129-240	177-240	201-240	213-240	240	+/-12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	16-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

§ 303.18. DWE/Used Matrix

Prior Record Score

Level	OGS	Deadly Weapon	0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Used	90-240	102-240	114-240	138-240	186-240	210-240	222-240	240	+/-12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
Level 3	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

[Pa.B. Doc. No. 97-400. Filed for public inspection March 14, 1997, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of the Rules Providing for Expedited Proceedings in Paternity; No. 276; Doc. No. 5

Order

Per Curiam:

And Now, this 24th day of March, 1997, Pennsylvania Rules of Civil Procedure 1910.15, 1910.26, and 1910.28 are amended as follows.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective July 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.15. Paternity.

(a) If the action seeks support for a child born out of wedlock and the [reputed] alleged father is named as defendant, the defendant may acknowledge paternity in a verified writing substantially in the form provided by Rule 1910.28(a). In that event the action shall proceed as in other actions for support.

(b) If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall enter an order establishing paternity, and the matter shall proceed as in other actions for support.

(c) If the [reputed] alleged father appears but does not execute an acknowledgement of paternity at the conference, [the conference officer shall terminate the conference. The]

(1) the conference officer shall advise the parties that there will be a trial without jury on the issue of paternity unless within ten days after the conference either party demands a trial by jury [as provided by Rule 1910.28(b)]. The parties shall be provided with the form set forth in Rule 1910.28(b);

(2) the court shall enter an order substantially in the form required by Rule 1910.28(c) directing the parties to appear for genetic testing; and

(3) the court shall make available to the parties a stipulation substantially in the form required by Rule 1910.28(d).

[Official Note: See Section 6131 of the Judicial Code, 23 Pa.C.S. § 5104 et seq., for the Uniform Act on Blood Tests to Determine Paternity.

(c) No motion for post trial relief may be filed to the final order, or with regard to the issue of paternity, except as provided in Rule 1930.2.

Official Note: The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.]

(d) If either party raises a question of estoppel, the court shall dispose promptly of the question and may stay the order for genetic testing.

(e) The results of the genetic tests shall be provided in writing to counsel for the parties or, if unrepresented, to the parties themselves.

(f)(1) If the results of the genetic tests resolve the issue of paternity pursuant to the stipulation of the parties, a paternity order substantially in the form set forth in Rule 1910.28(e) shall be entered and served on the parties.

(i) If the defendant is excluded, the action shall be dismissed;

(ii) If the defendant is stipulated to be the biological father, the action shall proceed as in other actions for support.

(2) If the results of the genetic tests do not resolve the issue of paternity pursuant to the stipulation of the parties, the case shall be listed promptly for expedited trial.

[(d)] (g)(1) If the verdict or decision is for the defendant on the issue of paternity, [unless a post trial motion is filed and sustained,] a final order shall be entered[, on praecipe or] by the court, dismissing the action as to the child[; or]

(2) If the verdict or decision is against the defendant on the issue of paternity, [unless a post trial motion is filed and sustained,] an interlocutory order shall be entered[, on praecipe or] by the court, finding paternity.

[(e)] (h) After an interlocutory order is entered finding that the defendant is the father of the child, the court shall either refer the case to a conference as in other actions for support or as expeditiously as possible hold a hearing [on the issue of the amount of support] and [shall] enter a final order of support.

[(f)] The interlocutory order of paternity is not an appealable order but any issue of paternity raised in a post trial motion may be included in an appeal from a final order of support.]

(i) An order establishing paternity is not an appealable order. Any issue of paternity may be included in an appeal from the final order of support. If paternity is tried before a jury, and only then, all issues of paternity raised on appeal must first be raised in timely post-trial motions in accordance with Rule of Civil Procedure 227.1.

Rule 1910.26. Form of Complaint. Order. Income and Expense Statement. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification.

* * * * *

(b) The order to be attached at the front of the complaint set forth in subdivision (a) shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 19____, at _____ .M., for a conference, after which the conference officer may recommend that an order for support be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
- (2) your pay stubs for the preceding six months,
- (3) the Income and Expense Statement attached to this order, completed as required by Rule 1910.11(c),
- (4) verification of child care expenses, and

(5) proof of medical coverage which you may have, or may have available to you.

If you fail to appear for the conference or to bring the required documents, the court may issue a warrant for your arrest and/or enter an interim support order. If paternity is an issue, the court shall enter an order establishing paternity.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU MAY GET LEGAL HELP.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

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

* * * * *

Rule 1910.28. Forms Relating to Establishment of Paternity. Waiver of Trial.

(a) The acknowledgement of paternity and waiver of trial [referred] to which reference is made in Rule 1910.15(a) shall be substantially in the following form:

ACKNOWLEDGMENT OF PATERNITY

WAIVER OF TRIAL

I, _____, do hereby acknowledge that I am the (Defendant) of the child _____, born _____ in _____. This child _____ (Date) _____ (City, County, State) was born to _____ of _____. (Name of Mother) (City, State)

I have been advised of and do hereby waive my rights to (1) [a trial on the issue of paternity which must be proven by a preponderance of the evidence and (2) an attorney to represent me on the issue of paternity both at the trial thereon and in this action for support] genetic tests on the issue of paternity, (2) a trial on the issue of paternity and (3) an attorney to represent me on the issue of paternity.

Conference Officer

Defendant

Attorney for Defendant

I verify that the statements made in this acknowledgement and waiver are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S § 4904, relating to unsworn falsification to authorities.

Defendant

AND NOW, this _____ day of _____, 19____, on recommendation of the conference officer named above, the acknowledgement of paternity and waiver of trial are accepted.

By the Court,

J.

(b) The notice of the right to trial on the issue of paternity [**and the demand for jury trial referred to which reference is made in Rule 1910.15 (b)**] (c)(1) shall be substantially in the following form:

(Caption)

NOTICE OF RIGHT TO TRIAL ON ISSUE OF PATERNITY

The defendant has not acknowledged paternity of the child _____, born on _____, (Date)

[19____,] in _____ to _____ (City, State) (Mother)

[**The parties**] You are hereby advised of [**their respective**] your rights to (1) a trial on the issue of paternity and (2) an attorney to represent [**them**] you on the issue of paternity and in any support proceedings. **If the court determines that you are indigent, and you request it, an attorney will be provided to represent you on the issue of paternity only.** The trial shall be without jury unless either [**party**] you or the other party demand a trial by jury in writing within ten days from the date of this notice [**on the separate form attached hereto**].

Date: _____ Conference Officer

I acknowledge receipt of a copy of this notice this _____ day of _____, 19____.

(Plaintiff) (Defendant)

[(Caption)

DEMAND FOR JURY TRIAL

I hereby demand a trial by jury on the issue of paternity.

Date: _____ (Plaintiff) (Defendant)]

(c) The Order to Appear for Genetic Testing to which reference is made in Rule 1910.15(c)(2) shall be substantially in the following form:

(Caption)

ORDER TO APPEAR FOR GENETIC TESTING

The defendant has not acknowledged paternity of the child _____, born on _____, (Date)

in _____ to _____ (City, State) (Mother)

The parties and the child are ordered to appear for genetic testing on _____, 19____, at _____ o'clock ____ m. at _____ and to stay until excused.

If the defendant fails to appear for genetic testing as ordered, the court will enter an order finding

that defendant is the father of the child. If the plaintiff fails to appear or fails to make the child available for testing as ordered, the court may enter an order dismissing the paternity action without prejudice.

By the Court,

J.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals who have been ordered to appear for genetic testing, please contact our office. All arrangements must be made at least 72 hours prior to the scheduled genetic tests. You must appear for the genetic testing.

(d) The stipulation to which reference is made in Rule 1910.15(c)(3) shall be substantially in the following form:

(Caption)

STIPULATION

The parties hereby agree to submit to genetic tests for the purpose of resolving finally the issue of paternity in this case. The parties further agree that if the test results indicate a probability of paternity 99% or higher, the defendant shall be stipulated to be the biological father of the minor child and the case shall be set promptly for a child support conference. If the test results indicate an exclusion, the action shall be dismissed.

I have been advised of and do hereby waive my rights to (1) a trial on the issue of paternity and (2) an attorney to represent me on the issue of paternity.

Plaintiff

Defendant

(e) The paternity order to which reference is made in Rule 1910.15(f) shall be substantially in the following form:

(Caption)

ORDER OF COURT

AND NOW, this ____ day of _____, 19____, in accordance with the stipulation of the parties, it is hereby ordered that

1) Defendant is the biological father of the child [NAME OF CHILD] born on [CHILD'S DATE OF BIRTH] to [CHILD'S MOTHER'S NAME] and the matter shall be set promptly for a support conference.

OR

2) Defendant is not the biological father of the child [NAME OF CHILD] born on [CHILD'S DATE OF BIRTH] to [CHILD'S MOTHER'S NAME] and this paternity action is dismissed.

By the Court,

J.

The existing explanatory comment pertaining to Rule 1910.15 is replaced by the following:

Explanatory Comment—Rule 1910.15

In accordance with Rule 1930.2(a), paternity cases tried by jury are the only domestic relations cases in which post-trial motions are permitted. Post-trial practice in these cases is governed by Rule of Civil Procedure 227.1.

23 Pa.C.S. § 4343(c)(2) provides that genetic test results which indicate a 99% or greater probability of paternity may be rebutted only by clear and convincing evidence that the results of the genetic tests are not reliable in that particular case.

The 1994 explanatory comment pertaining to Rule 1930.2 is amended as follows:

With the exception of paternity jury trials, all post-trial practice in domestic relations cases is abolished by the [proposed] rule.

* * * * *

[Pa.B. Doc. No. 97-470. Filed for public inspection March 28, 1997, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CRAWFORD COUNTY

Adoption of Civil Rule L1903.7: Civil Contempt; A.D. 1992-5

Order

And Now, March 14, 1997, it is ordered and directed that the Rule L1903.7 is hereby amended to read as follows:

Rule L1903.7. Civil Contempt.

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator will set a time for hearing. The plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a domestic relations matter (Pa.R.C.P. 1930.4) or by mail in the manner prescribed by Pa.R.C.P. 403 and Pa.R.C.P. 1930.4(c). The order scheduling a hearing shall be in a form identical to Exhibit L1903.6-A.

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

It is further ordered and directed that, in accordance with Pa.R.C.P. 239, seven (7) certified copies of this rule

shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be forwarded to the Legislative Reference Bureau for publication in *The Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and one (1) certified copy shall be filed with the Domestic Relations Rules Committee.

By the Court

GORDON R. MILLER,
President Judge

[Pa.B. Doc. No. 97-471. Filed for public inspection March 28, 1997, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

Current Schedule of Continuing Legal Education Courses Required for Reinstatement Under §§ 89.275 and 89.279 of the Disciplinary Board Rules

Disciplinary Board Rule § 89.279 provides that a formerly admitted attorney who has been disbarred or suspended for more than one year or who has been on inactive status for more than three years shall within one year preceding the filing of the petition for reinstatement take (and prior to hearing on the petition, complete) courses meeting the requirements of the current schedule published by the Office of the Secretary.

Evidence that a formerly admitted attorney has registered for and attended required courses and lectures or has viewed videotapes of them shall be considered in determining whether the formerly admitted attorney possesses the required competency and learning in law, but shall not be conclusive on the issue.

SCHEDULE

Every formerly admitted attorney who petitions for reinstatement under these rules shall take the following:

A minimum of thirty-six (36) hours of accredited PA CLE courses with a minimum twelve (12) of those hours in the area of Ethics.

Note: Accredited PA CLE courses taken for reinstatement may be used to meet CLE requirements once reinstated.

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

[Pa.B. Doc. No. 97-472. Filed for public inspection March 28, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 13 AND 15]

Notice of Review of Regulations Relating to Personnel Administration in County Health Departments and Relating to State Aid to Local Health Departments

Under the Governor's Executive Order 1996-1, the Department of Health (Department) will be reviewing its regulations at 28 Pa. Code Chapters 13 and 15 (relating to personnel administration in county health departments; and State aid to local health departments).

The Department is committed to considering the ideas and comments of all interested parties in the revision of these regulations. The Department will begin its review on April 28, 1997. Therefore, it will be considering submissions received prior to that date. It cannot guarantee consideration of submissions received after that date.

The Department anticipates completion of the review and revision process by July 1, 1997. Upon completion of the revisions, the revised regulations will be available prior to a public meeting to be held by the Department, at which time all interested parties will be invited to comment on the proposed revisions. Comments on the revisions will also be accepted by mail prior to the date of the public meeting, which will be announced in the *Pennsylvania Bulletin*.

For additional information or a copy of the current regulations, or if you are a person with a disability and desire a copy of the regulations in an alternative format, or wish to provide comments on the regulations in an alternative format (such as, large print, audio tape, braille), please contact Helen K. Burns, Ph.D., Director, Bureau of Community Health, at (717) 787-4366; TDD (717) 783-6514.

DANIEL F. HOFFMANN, FACHE,
Secretary

[Pa.B. Doc. No. 97-473. Filed for public inspection March 28, 1997, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 103]
Financial Assistance

The Environmental Quality Board (Board) proposes to amend Chapter 103 (relating to financial assistance). The proposed amendments include revisions to delete provisions related to the Federal Clean Water Act Title II construction grants program, retain the sewage project priority rating system used in the Federal Clean Water Act Title VI sewage construction loan program, delete text related to an obsolete design grant program and add language to allow use of a small amount of remaining Land and Water Conservation and Reclamation Act (32 P. S. §§ 5101—5121) funds for a grant to one or more economically depressed communities.

This proposal was adopted by the Board at a meeting held on February 18, 1997.

A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information contact Peter T. Slack, Chief, Division of Municipal Financial Assistance, Office of Water Management, P. O. Box 8466, 11th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8466 (717) 787-3481, or William S. Cumings, Jr., Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, 9th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8464 (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The amendments are being proposed under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and section 16(2) of the Land and Water Conservation and Reclamation Act (act) (32 P. S. § 5116(2)) which authorize the Board to promulgate rules and regulations relating to the awarding of construction grants for sewage facilities to political subdivisions and municipal authorities. The amendments are also proposed under the authority of section 1920-A of The Administrative Code of 1929 (71 P. S. § 510.20).

D. *Background and Purpose*

Over the past year, the Department has been conducting an overall review of its existing regulations through its Regulatory Basics Initiative as outlined at 25 Pa. B. 3343 (August 19, 1995). This Initiative was designed with the goal of adopting environmental regulations that are no more stringent than Federal rules unless there is a compelling need for more stringent rules. The amendments being proposed in this rulemaking are one of a number of proposed regulations resulting from the Initiative.

The proposed revisions to the Chapter 103, Subchapter A (relating to water pollution control revolving fund project priority list ratings) regulations delete provisions related to the Federal Clean Water Act Title II sewage treatment construction grant program. Almost all projects that received a Title II grant award for the construction of sewage treatment or conveyance facilities are nearing construction completion and the last one is about to go under construction. These regulations are no longer needed to administer the Title II grant program. The sewage construction project priority rating system is being retained as it will continue in use for establishing project priority ratings for projects seeking funding under the Clean Water Act Title VI loan program. The Federal Title VI loan program replaced the Title II grant program and is jointly administered by the Department and the Pennsylvania Infrastructure Investment Authority (PENNVEST).

The proposed revisions to Chapter 103, Subchapter D (relating to State grants for construction of sewage facil-

ities) delete provisions related to a State design grant program and a supplemental construction grant program. The design grant program provided funds to communities that had completed plans and specifications for a sewage treatment facility, but did not receive a Federal grant for construction of the facility. The grant program awarded a 5% supplemental grant to economically depressed communities that had received a 75% Federal construction grant. Eligible communities were identified and design and supplemental construction grants have been awarded and paid. A small amount of money remains available, and the Department proposes to award grants to one or more economically depressed communities to assist with the cost of construction of needed sewage treatment facilities. The source of these funds is the act bond issue moneys made available and intended as aid to political subdivisions for the construction of sewage facilities. The \$155,000 available cannot be awarded under the existing regulations and the proposed revisions will allow award of these funds as grants to one or more economically depressed communities.

E. *Summary of the Proposed Rulemaking*

1. *Section 103.1—Definitions.*

Section 103.1 contains several proposed new definitions necessitated as a result of the replacement of the Clean Water Act Title II construction grants program by the Title VI Water Pollution Control Revolving Fund, as described in Section D of this Preamble. Terms newly defined are: "intended use plan," "project priority list," "sewage facilities plan" and "Water Pollution Control Revolving Fund." Minor revisions are proposed for the existing definitions of "facilities" and "Federal act." In addition, the definitions relating to the four steps (steps 1, 2, 3 and 2 and 3) in the construction of a sewage treatment facility would be deleted.

2. *Sections 103.2—103.14—Federal Clean Water Act Title II Construction Grants Program.*

As noted in Section D of this Preamble, the Federal Clean Water Act Title II Construction Grants Program has been replaced by the Title VI Water Pollution Control Revolving Fund. Except for § 103.6, existing §§ 103.2—103.14 contain certain provisions which exclusively relate to the administration of the Title II Construction Grants Program, which is now obsolete. Accordingly, the existing language of §§ 103.4—103.5 and 103.13—103.14 will be deleted. In addition, references to the various steps will be deleted from §§ 103.8—103.11.

3. *Section 103.5—Preparation of Project Priority Lists.*

The existing provisions of this section are proposed to be deleted. However, this section would be amended by adding provisions relating to the establishment of a project rating system in accordance with the requirements of Subpart K of 40 CFR Part 35. Subpart K outlines the criteria established by the Environmental Protection Agency (EPA) for the administration of the Water Pollution Control Revolving Fund. The project priority ratings would be water quality based assessments of sewage treatment needs. The Department would prepare a project priority list and intended use plan for submission to the EPA in support of its annual Water Pollution Control Revolving Fund capitalization grant application. Once the Commonwealth receives its capitalization grant award, applications from municipalities would be evaluated under the Pennsylvania Infrastructure Investment Authority (35 P.S. §§ 751.1—751.20).

4. *Section 103.6—Priority Rating Factors.*

This section currently establishes a point system for certain rating factors to establish the priority among eligible projects. This section would be amended to clarify that the rating factors are for the purpose of creating the project priority list and intended use plan which the Department would be submitting to the EPA in support of its annual Water Pollution Control Revolving Fund capitalization grant application.

5. *Section 103.12—Other Considerations.*

The existing language of subsection (a) outlines factors to be utilized in the event projects receive the same number of rating points. The language would be amended to make it clear that the rating points will be used to determine the relative rank of the projects on the project priority list and intended use plan, which list and plan are a major component of the grant application the Department submits to the EPA.

Subsection (b), which applies to the ranking of regional projects, would be similarly amended by incorporating references to the project priority list and intended use plan. In addition, the language of this subsection would be revised to make it clear that the Department will make a determination whether each part of a regional project is essential to the integrity of the project for the purposes of establishing a rating. The existing language implies that the Department will make this determination.

Subsection (c), which outlines the procedure to be utilized if there is a need to rerate a project, would also be revised to make it clear that the rerating would be for the purpose of ranking projects on the project priority list or intended use plan. In addition, the subsection would be amended to provide that the rerating would be based on the sewage facilities plan the municipality adopted under the provisions of the Sewage Facilities Act (Act 537) (35 P. S. §§ 750.1—750.20).

6. *Sections 103.71—103.76—State Grants for Planning and Design.*

Potential recipients that may have been eligible under these regulations for grants from the act moneys were identified and awarded grants. The advance of allowance provisions authorized the Department to provide Title II Federal funds for projects that may in the future be ready for a Title II construction grant award. The Title II construction grant program has been replaced by the Title VI loan program and there is provision for advances of the design allowance in the Title VI program. Accordingly, these sections would be deleted.

7. *Sections 103.82—103.84—State Grants for Construction.*

Language is being deleted which authorizes award of grant funds as supplemental grants for projects that had received a Federal Title II construction grant. Existing language is retained to allow the award of the small amount of remaining funds to one or more communities that suffer financial hardship and would benefit from a grant to make construction of sewage treatment works more affordable to the community.

F. *Benefits and Costs*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

The proposed revisions are intended to clarify certain provisions for the benefit of applicants. No additional

costs are associated with the proposed revisions to Chapter 103, Subchapter A or D. There is approximately \$155,000 of act bond issue funds available for award to one or more communities for construction of sewage treatment facilities. There is no cost to potential recipients of these funds. The Department expects to identify a potential economically depressed community recipient rather quickly and award the funds to that municipality.

Compliance Costs

There are no existing or new compliance costs to be created by these regulatory revisions.

Paperwork Requirements

There are no new forms to be created or revisions to existing forms or other paperwork requirements relating to these proposed amendments.

G. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on March 18, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of the regulations.

I. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by April 28, 1997. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 28, 1997. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by April 28, 1997. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic com-

ments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-311. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 103. FINANCIAL ASSISTANCE

Subchapter A. [FEDERAL GRANTS FOR CONSTRUCTION OF SEWAGE FACILITIES] WATER POLLUTION CONTROL REVOLVING FUND PROJECTS PRIORITY LIST RATINGS

[FEDERAL GRANTS] WATER POLLUTION CONTROL REVOLVING FUND

§ 103.1. Definitions.

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

* * * * *

Facilities—Any device [**and**] or system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes [**or**] necessary to recycle or reuse water at the most economical cost over the useful life of the works. The term includes intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, [**improvement**] **improvements**, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from [**such**] the treatment, including land for composting sludge and temporary storage of [**such**] the compost and land used for the storage of treated wastewater in land treatment systems before land application; or another method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Federal Act—**The Federal Water Pollution Control Act** (33 U.S.C.A. §§ 1251[, 1252, 1254, 1255, 1256, 1259, 1262, 1263, 1281—1288, 1291, 1292, 1294—1297, 1311, 1314, 1315, 1317—1319, 1321, 1322, 1323, 1324, 1328, 1341, 1342, 1344, 1345, 1362, 1364, 1375 and 1376]—1387).

* * * * *

Intended use plan—**The product of an evaluation of projects on the project priority list using the wastewater project evaluation criteria in §§ 103.6—103.12 to those proposed projects which are anti-**

pated to expend Water Pollution Control Revolving Fund moneys in a specific fiscal year.

* * * * *

NPDES—The [national] National system for the issuance of permits under section 402 of the Federal Act including, any State or interstate program which has been approved by the [Administrator] EPA, in whole or in part, under section 402 of the Federal Act.

Project equivalent population—The initial population equivalent which would be served by a [Step 3] project implemented for the rated area at the time that the area is rated.

Project priority list—The product of an evaluation of information submitted by municipalities to establish relative priority of proposed sewage facilities through a standardized set of criteria in §§ 103.6—103.12.

Sewage facilities plan—A plan developed under the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20) for the provision of adequate sewage facilities, adopted by municipal officials and approved by the Department.

* * * * *

[*Step 1 (Planning and Preliminary Design)*—A project to conduct planning and engineering studies that results in a facility plan that directly relates to the potential construction of treatment and other waste management facilities, that demonstrates the need for the facilities, and that by systematic evaluation of feasible alternatives, determines the most cost-effective means of meeting established effluent requirements and water quality goals while recognizing environmental and social considerations.

Step 2 (Plans, Specifications and Estimates)—A project to prepare detailed engineering plans, specifications, estimates and other documents necessary for the construction of facilities recommended in the applicable facilities plan and for taking other actions recommended therein.

Step 3 (Construction of Facilities)—A project to construct a facility in conformance with applicable Step 2 work.

Step 2 and 3 (Combination design and construction)—A project combining Step 2 and Step 3 for a wastewater treatment works.]

Water Pollution Control Revolving Fund—A fund jointly administered by the Department and the Pennsylvania Infrastructure Investment Authority (PENNVEST) that provides low-interest loan funds to borrowers for the construction of facilities.

* * * * *

§ 103.2. [Grant application process] (Reserved).

[(a) The Federal Act provides for funding in steps. Unless otherwise permitted by Federal regulations, no applications for any step may be approved unless the work required by the preceding steps has been completed and approved by the Department and EPA. Approval from the Department and EPA must have been received prior to the start of work for any step for said work to be grant eligible.

(b) Combined Step 2 and 3 grant projects in municipalities with a population of 25,000 or less may be accepted provided that the eligibility and procedural requirements of the Federal Act are met.

(c) Application for Federal grants shall be made in a manner prescribed by the EPA and the Department and shall contain and be supplemented with such information as may be required by EPA and the Department.

(d) An acceptable application for a State permit which contains necessary and sufficient documentation to support the application shall be submitted concurrent with or prior to submission of an application for a Step 3 grant. Under a combined Step 2 and 3 grant, a State permit must have been issued prior to a grant increase for Step 3.

(e) Applications for Federal grants will be accepted by the Department throughout the year.

(f) Applications will be reviewed by the Department for compliance with Federal and State law and regulations and the provisions of this subchapter.]

§ 103.4. [Project eligibility] (Reserved).

[Projects shall remain eligible for Commonwealth certification only if the following conditions are met:

(1) The project complies with all grant regulations and other requirements for such grant applications as promulgated by the EPA and the Department.

(2) The project remains eligible for issuance of a Commonwealth permit for construction and operation of the proposed project.

(3) The project is part of or consistent with a Department approved comprehensive program of water quality management and pollution control as described in § 91.31 (relating to comprehensive water quality management).

(4) Initiation of the project for which funding is requested has not occurred prior to grant award unless authorized by Federal regulations.]

§ 103.5. Preparation of project [priority] lists.

[(a) The Department will prepare annually a project priority list in conformance with Federal requirements for submittal of the lists. When approved by EPA, this project priority list will remain intact until the project priority list for the subsequent fiscal year has been approved by EPA, except that projects becoming ineligible will be removed from the project priority list.

(b) The Department will schedule a public hearing on the annual project priority list prior to submission of the list to EPA for approval. Municipalities will be invited to provide testimony on the list and the Department will comment to EPA on all testimony received. A public hearing will also be held for any revisions to the approved project priority list determined significant by the EPA Regional Administrator.

(c) The fundable portion of the project priority list will contain projects in priority order planned for funding during the fiscal year for which the

project priority list is being prepared and will not exceed the total funds expected to be available during the Federal fiscal year. The planning portion of the list will include projects outside the fundable portion which, may under anticipated future allotment levels, receive funding during subsequent Federal fiscal years.

(d) Step 1 and Step 2 projects approved by the Department for funding from the fiscal year 1976 allotment of Federal funds and projects which were on the project priority lists for Federal fiscal years 1978, 1979 and 1980 that maintain their eligibility will be placed at the top of the project priority list in the order of relative priority beginning with the Federal fiscal year 1981 priority list. These projects will retain their priority rating established under the previous priority rating system and be considered fundable as long as they make satisfactory progress toward Step 3 project implementation and the scope of the originally rated project is not significantly changed. These projects will be subject to rerating under the current priority rating system if the Department determines that progress toward Step 3 project implementation is not satisfactory or the scope of the originally rated project is significantly changed. Following completion of a Step 1 project, any portion of the facility planning area shown to have significantly lower impact on water quality or public health than the Step 1 project rating was based on, will be separated and rerated pursuant to the provisions of this chapter.

(e) Projects which appear on the fundable portion of the project priority list that are not ready to proceed during the funding year will be bypassed, and supplements to the fundable portion of the project priority list necessary to utilize available funds will be made by adding the highest ranked projects on the planning portion of the project priority list that are ready to proceed during the funding year. Bypassed projects which retain their priority rating will be subject to the same eligibility and funding considerations for future allotments as other fundable projects.

(f) Following Step 1 funding, subsequent Step 2 and Step 3 funding will take precedence over new Step 1 applications. Step 2 and Step 3 projects will be funded in order of their relative priority. Funds not obligated for active Step 2 and Step 3 applications will be applied to fundable Step 1 applications. Step 2 and Step 3 projects will maintain their preferential funding status as long as a satisfactory schedule for Step 3 project implementation is met and the definition of wastewater treatment need and the scope of the originally rated project are not significantly changed.

(g) A project will be removed from the project priority list if:

- (1) It has been fully funded.
- (2) It is no longer entitled to funding.
- (3) The project is otherwise ineligible under the requirements of the Federal Act or the provisions of this subchapter.

(4) EPA has determined that the project is not needed to comply with the enforceable requirements of the Federal Act.

(h) In developing the fundable portion of the project priority list, the Department will provide

for the establishment of reserves in accordance with the Federal Act and the Federal regulations promulgated thereunder.

(i) In the event the Department determines that the projects on the fundable portion of the project priority list will not fully utilize the required set aside funds, the Department may supplement the fundable portion of the list with qualified projects to obligate the balance of the set aside funds.

(j) The Federal Act allows for reimbursement of 100% of the cost for modification or replacement of eligible Alternative and Innovative processes and techniques which for technical reasons do not achieve projected performance requirements. These modification or replacement projects will be rated in accordance with the current project rating procedures and shall compete with other eligible projects for funding.

(k) If additional funds become available prior to preparation of the subsequent year's project priority list, the Department may supplement the fundable portion of the project priority list. Supplemental projects will be selected from the planning portion of the project priority list in order of priority established in accordance with rating procedures set forth in this subchapter.]

(a) The project priority ratings developed under this subchapter are water quality based assessments of sewage treatment needs. This priority rating system is mandated by section 216 of the Federal Act (33 U.S.C.A. § 1296) and has been approved by the EPA for ranking projects for the Water Pollution Control Revolving Fund (WPCRF) project priority list and intended use plan. To be funded under the WPCRF, a project first shall appear on a project priority list and then an intended use plan list.

(b) The Department prepares project priority lists and intended use plan lists required by Title VI of the Federal Act (33 U.S.C.A. §§ 1381-1387). These lists are prepared in conformance with 40 CFR Part 35, Subpart K (relating to State water pollution control revolving fund) and regulations and guidance issued by PENNVEST and submitted in support of annual WPCRF capitalization grant applications to EPA.

(c) Once the Commonwealth receives its capitalization grant award, applications for funding are evaluated under the Pennsylvania Infrastructure Investment Authority Act (35 P. S. §§ 751.1-751.20) and Part VII (relating to Pennsylvania Infrastructure Investment Authority) and regulations including the wastewater evaluation criteria in § 963.8 (relating to wastewater project evaluation criteria). The water quality based project priority ratings are the bases for the public health and safety and environmental impact criteria in the PENNVEST project evaluation process.

§ 103.6. Priority rating factors.

(a) Priority among eligible projects for the purpose of creating the project priority list and intended use plan shall be established according to the [applicant's] accumulation of points for each of the following rating factors weighted as shown:

* * * * *

§ 103.8. Water pollution control.

(a) The number of points for water pollution control shall be based on the extent to which [**Step 3**] project implementation will eliminate detrimental effects of pollution and public health hazards from existing discharges of untreated or inadequately treated sewage.

(b) The following point values shall be used to determine rating points for this factor.

* * * * *

(2) *Domestic water supply.* Points awarded in the domestic water supply category shall be assigned as follows:

(i) *18 points*—Documented evidence provided by laboratory analysis that public drinking water sources or a significant number of private drinking water sources are contaminated by malfunctioning [**on-lot**] onlot disposal systems or that downstream drinking water sources are subject to water quality standards violations due to discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation.

(ii) *10 points*—Documented contamination of public or private groundwater drinking water sources supported by known subsurface soil and hydrogeologic conditions and evidence of periodic water source contamination or documentation that downstream drinking water sources are periodically subject to contamination by existing discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation, based on water quality analyses or evaluation of the stream's physical characteristics, or both.

(iii) *5 points*—Suspected contamination of public or private groundwater drinking water sources based on knowledge of subsurface soil and hydrogeologic conditions or a downstream drinking water source is shown to be affected by periodic water quality standards violations from discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation based on evaluation of the stream's physical characteristics.

(iv) *0 points*—No downstream drinking water sources or no documentation or evidence that drinking water sources are affected by the sewage treatment need which would be eliminated or upgraded by [**Step 3**] project implementation.

(3) *Fish and aquatic life.* Points awarded in the fish and aquatic life category shall be assigned as follows:

(i) *14 points*—Surface waters are capable of supporting a cold or warm water fishery but documented evidence shows that they are not because of pollution caused by discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation.

(ii) *8 points*—Surface waters currently supporting a depressed cold or warm water fishery shown through documentation to be caused by untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation.

(iii) *5 points*—Surface waters currently supporting a cold or warm water fishery documented to be periodically affected or threatened by discharge of untreated or inadequately treated sewage which would be eliminated

or upgraded by [**Step 3**] project implementation based on evaluation of the stream's physical characteristics.

(iv) *0 points*—No documentation or evidence that fish and aquatic life are affected by untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(4) *Public bathing.* Points awarded in the public bathing category shall be assigned as follows:

(i) *8 points*—A downstream permitted public bathing beach has been closed due to contamination as a result of water quality standards violations due to discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation.

(ii) *3 points*—A downstream permitted public bathing beach is shown through water quality analysis and an evaluation of stream and bathing area's physical characteristics to be subject to contamination by untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(iii) *1 point*—A public bathing place permit has been denied because of violations of water quality standards resulting from discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation.

(iv) *0 points*—No downstream public bathing uses are documented or there is no documented effect of discharges of untreated or inadequately treated sewage on downstream public bathing uses which would be eliminated or upgraded by [**Step 3**] project implementation.

(5) *Boating and recreation.* Points awarded in the boating and recreation category shall be assigned as follows:

(i) *5 points*—Documentation shows that discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation prevent the use of a stream or impoundment for boating and other nonswimming and nonfishing recreational purposes due to excessive aquatic growth or other material posing a danger to the user or his equipment.

(ii) *3 points*—Discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation are shown to adversely affect, but not prevent, the use of the stream or impoundment for boating and other nonswimming and nonfishing recreational purposes.

(iii) *1 point*—Discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation are shown to potentially affect the use of the stream or impoundment for boating or other nonswimming and nonfishing recreational purposes.

(iv) *0 points*—No downstream boating and recreation uses are documented or there is no documented effect of untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation on downstream boating or other nonswimming and nonfishing recreational purposes.

(6) *Industrial water supply.* Points awarded in the industrial water supply category shall be assigned as follows:

(i) *5 points*—Documented evidence that water supply intakes for industries which process foods or make fine papers are shown to be directly affected as a result of water quality standards violations due to untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(ii) *3 points*—The use of water supplies for industries which use water in a way that persons are exposed to untreated water is shown to be limited or restricted as a result of water quality standards violations due to untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(iii) *1 point*—Industrial water supply intakes are shown to be adversely affected by discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation based on evaluation of the stream's physical characteristics.

(iv) *0 points*—No downstream industrial water supply intakes are documented or there is no documented effect on downstream industrial water supply uses caused by untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(7) *Irrigation*. Points awarded in the irrigation category shall be assigned as follows:

(i) *3 points*—Irrigation water sources for crops grown or prepared for human consumption are shown to be adversely affected as a result of water quality standards violations due to discharges of untreated or inadequately treated sewage which would be eliminated or upgraded by [**Step 3**] project implementation.

(ii) *2 points*—Irrigation water sources for crops other than those grown or prepared for human consumption are shown to be adversely affected as a result of water quality standards violations due to untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(iii) *1 point*—Irrigation sources are shown to be affected by untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation based on evaluation of the stream's physical characteristics.

(iv) *0 points*—No downstream irrigation uses are documented or there is no effect on downstream irrigation uses by untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(8) *Stock watering*. Points awarded in the stock watering category shall be assigned as follows:

(i) *3 points*—Water sources used to wash and water dairy animals are documented to be adversely affected as a result of water quality standards violations due to untreated or inadequately treated sewage from discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(ii) *2 points*—Water sources used to water livestock other than dairy animals are documented to be in violation of water quality standards as a result of untreated or inadequately treated sewage from discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

(iii) *1 point*—Water sources used to water livestock are shown to be contaminated by untreated or inadequately treated sewage from discharges which would be eliminated or upgraded by [**Step 3**] project implementation based on evaluation of the stream's physical characteristics.

(iv) *0 points*—No downstream stock watering is documented or there is no documented effect on downstream stock watering uses caused by untreated or inadequately treated sewage discharges which would be eliminated or upgraded by [**Step 3**] project implementation.

* * * * *

§ 103.11. Small municipality projects.

* * * * *

(b) Where a [**Step 2 or Step 3**] project will serve more than one municipality, it shall qualify as a small municipality project if each municipality involved conforms to the definition of a small municipality as set forth in § 103.1 (relating to definitions).

§ 103.12. Other considerations.

(a) [**In the event that**] If two or more projects receive the same number of total rating points, the relative rank of the projects **on the project priority list and intended use plan** will be based on points awarded under the water pollution control factor, the higher rank being assigned to that project with the higher water pollution control points. If, after this test, the projects remain tied, the factors of stream segment priority and then population affected shall be used to break ties.

(b) In the case of a regional project [**for which**] **when the Department [has on hand separate applications from participating municipalities and] determines** each portion of the regional project is essential to the integrity of the project, the Department [**shall**] **will** rank all portions of the project together as a single project and assign the same number of rating points to [**each separate application. All**] all portions of the regional project [**shall be processed and certified as concurrently as possible to allow simultaneous funding**] **on the project priority list or intended use plan.**

(c) Based on the findings and conclusions of the [**Step 1**] **sewage facilities [plans] plan**, the Department will consider the need to rerate projects for [**subsequent Step 2 funding. If**] **the purpose of ranking projects on the project priority list or intended use plan if** the findings and conclusions of [**a facility**] **the sewage facilities plan** significantly alter the definition of wastewater treatment need or the scope of the project[**, the priority rating for Step 2 funding may be different than the Step 1 project rating**].

§ 103.13. [**Project certification**] (Reserved).

[**(a) The grant amount certified will be based on the estimated eligible cost contained in the grant application submitted to the Department and will normally be 75% of the estimated eligible cost except that the grant may be increased to 85% for eligible treatment works or portions thereof which meet the criteria for Alternative and Innovative processes and techniques. Final grant amounts will**

be based on the approved project cost determined at the completion of the project.

(b) With the exception of combined Step 2 and 3 applications, the Department will not certify any Step 3 project unless and until the applicant has submitted plans and specifications suitable for advertising for bids for construction. For combined Step 2 and 3 applications, no grant increase for the construction phase will be approved until plans and specifications suitable for advertising for construction bids have been approved.

(c) Any project on an approved project priority list which has not complied with all Federal and State requirements for certification or grant award within 90 days of notification of deficiencies in application documentation will be considered ineligible and will be removed from the fundable portion of the project priority list. Such bypassed projects will be considered for inclusion on the fundable portion of a subsequent project priority list only after requirements for funding have been met.

(d) Grants may be limited to a portion of a project if it is determined by the Department that staging of a Step 2 or 3 project, or both, is technically and economically feasible. In such event, subsequent portions of staged facilities will be given first priority in appropriate future project priority lists, provided that the funded stage or stages do not result in an operable system. Where funded stages do result in an operable system, subsequent stages will be ranked in priority with other projects in the appropriate fiscal year.]

§ 103.14. [Changes in scope] (Reserved).

[(a) All changes in scope of a grant project must be submitted in writing to the Department for approval.

(b) Grant funding for changes in the scope of a grant project will be approved by the Department:

(1) If the change in scope is the result of new or revised requirements of 42 U.S.C.A. §§ 4342, 4343, 4346A, 4346B and 4347; the Federal Act and the Federal regulations promulgated thereunder; this subchapter; other changes directed by EPA or DER; or

(2) In the case of a Step 3 grant project:

(i) Where the change in scope is necessary to protect the structural or process integrity of the facilities; or

(ii) Where adverse conditions are identified during the construction of the facilities which could not have been foreseen by the design engineer prior to encountering the condition.

(c) The cost of any additional work under \$100,000 resulting from a change in scope shall not be eligible for grant participation unless the grantee requests and the Department subsequently gives written approval of the change in scope. Where changes in scope costs will exceed \$100,000, written approval will be required prior to initiation of the additional work. Funding eligibility for any change in scope will be based on the criteria described in subsection (b).]

Subchapter D. STATE GRANTS FOR CONSTRUCTION OF SEWERAGE FACILITIES

[STATE GRANTS FOR PLANNING AND DESIGN]

(Editor's Note: As part of this proposal, the Department is proposing to delete the text of §§ 103.71—103.76 (relating to State grants for planning and design) which appears at 25 Pa. Code pages 103-34—103-39, serial pages (162240)—(162245).)

§ 103.71—103.76. (Reserved).

STATE GRANTS FOR CONSTRUCTION

§ 103.82. Eligibility.

(a) Projects which meet the following criteria are eligible for construction grants:

(1) The eligible [cost] costs of the project based on construction bids or actual construction and associated [cost exceeds] costs exceed the [estimated project cost contained in the application for Federal construction grants] amount of grant funds made available from other State and Federal grant sources.

(2) [The applicant did not initiate construction on or before June 30, 1972, and does not qualify for funding under section 206(a) or (b) of the Federal Water Pollution Control Act (33 U. S.C.A. § 1286(a) or (b)).

(3) The applicant was awarded a Federal construction grant from allocations made prior to Federal Fiscal Year 1973.

(b) Projects meeting the criteria set forth in subsection (a) shall be called old projects.

(c) In addition to those eligible projects described in subsection (a), projects which meet the following criteria are also eligible for construction grants:

(1) The applicant has received a Federal construction grant in the amount of 75% of the eligible cost of the proposed project, from Federal Fiscal Year 1973 and later funds.

(2) [The [Department determines that the] municipality to be served by the proposed project suffers from unusual financial hardship and [that] State grant funds are available for the project. In evaluating the extent of financial hardship, the Department will consider the ratio of the median family income in the municipality to be initially served by the project to the State median family income[, the ratio of the local share of the project cost to market value of real estate in the municipality or municipalities to be initially served,] and the equivalent annual sewer rental to be charged.

[(d) Projects meeting the criteria set forth in subsection (c) shall be called new projects.]

§ 103.83. Applications.

[(a)] ***

[(b) Applications will be accepted by the Department throughout the year.

(c) Applications for grants for new projects shall be accompanied by or preceded by an acceptable application for a Federal construction grant.

(d) Applications for old projects will be processed in the order of priority to the extent of availability of funds. Priority for funding will be determined by the Department based on priorities assigned to the projects for Federal grants made prior to Federal Fiscal Year 1973.]

§ 103.84. Payments [and grant amount].

[(a) Grants to old projects for eligible cost overruns shall be based on the same percentage at which the project was originally funded.

(b) Grants to new projects shall be 5.0% of the eligible project cost; provided, however, that no project may receive grants exceeding 90% of the eligible project cost from all grant sources.

(c) Payments] Payment of grant funds shall be made [concurrently with Federal construction grant payments] subject to the terms and conditions established by the Department.

[Pa.B. Doc. No. 97-474. Filed for public inspection March 28, 1997, 9:00 a.m.]

[25 PA. CODE CH. 93]

Great Lakes Initiative (GLI)

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards) to read as set forth in Annex A. The proposed regulatory changes incorporate requirements of the Great Lakes Water Quality Guidance (GLI) into the water quality standards regulations.

This notice is given under Board order at its meeting of February 18, 1997.

A. Effective Date

These proposed amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rule-making.

B. Contact Persons

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637 or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environment Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

These proposed amendments are made under the authority of the following acts: sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grant to the Board the authority to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law.

D. Background of the Amendment

The Commonwealth's Water Quality Standards, which are in Chapter 93, implement the provisions of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards consist of the designated uses of the surface waters of this Commonwealth and the specific numeric and narrative criteria necessary to achieve and maintain those uses.

The GLI requirements, promulgated at 40 CFR Part 132 on March 23, 1995 (60 FR 15366), provide for consistent protection for fish and shellfish in the Great Lakes System and the people and wildlife who consume them. The GLI focuses on long-lasting pollutants called bioaccumulative chemicals of concern (BCCs) that accumulate in the food web of large lakes. The major elements of the GLI are water quality criteria to protect human health, aquatic life and wildlife, methodologies for criteria development, procedures for developing effluent limits for point sources, and antidegradation policies and procedures. States are required to adopt water quality standards, antidegradation policies and implementation procedures as protective as the GLI.

The Commonwealth's strategy for complying with the GLI has two major objectives. The first objective is, wherever possible, to provide Statewide consistency, so that unequal requirements are not focused on specific regions of this Commonwealth. The second objective is to provide special protection to the unique resource known as the Great Lakes System in this Commonwealth. To meet these objectives, the Department proposes applying scientifically sound methodologies from both current practice and as identified in the GLI, Statewide. Exceptions to Statewide procedures are made when the unique character of the Great Lakes System demands special consideration. For example, BCCs pose a particular threat to the Great Lakes because of the long retention of pollutants in the Great Lakes, which contrasts with the ability of streams to flush out those pollutants by their flow. For this reason, application of procedures for BCCs is different for the Great Lakes than in other waters of this Commonwealth.

The Department held a public meeting in Erie on the requirements of the GLI on September 5, 1995. In February 1996, the Commonwealth's proposed strategy was made available on the world wide web for public comment. Two meetings were also held on June 5, 1996, one with an ad hoc Great Lakes Technical Committee and the second with the public, to discuss the proposed strategy. In addition, the Department has met on several occasions with the Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC) to discuss the GLI strategy, and has sent representatives to participate in meetings with the Council of Great Lakes Governors Working Group and Technical Subcommittee, which provide a forum for the states to discuss how each is addressing the GLI requirements. Particular issues have been raised and responded to at the meetings. Comments were received from AWQTAC concerning definitions, applicability of site-specific criteria, protection of endangered species, mixing zones and antidegradation. In recognition of those comments, the Department has included definitions for the terms requested by AWQTAC, and has clarified language relating to site-specific criteria and mixing zones. For antidegradation, the Department's intent, which is in accordance with the requirements of the GLI, is to apply the same antidegradation policy to the Great Lakes System as to the rest of the State, with

additional provisions for bioaccumulative chemicals of concern in the Great Lakes System. A proposed Statewide antidegradation statement of policy was approved by the Board on January 21, 1997, and was published at 27 Pa.B. 1473 (March 22, 1997). Additional public comments will be requested as part of the rulemaking process.

The Department has proposed to incorporate numerous GLI provisions into the Statement of Policy at Chapter 16 (relating to water quality toxics management strategy). The proposed amendments to the Statement of Policy were published at 26 Pa.B. 4220 (December 28, 1996). Those proposed amendments should be reviewed together with these proposed amendments to obtain an understanding of the scope of the GLI.

E. Summary of Regulatory Revisions

Section	<i>Brief Description of Proposed Revision</i>
93.1	<i>Definitions:</i> Definitions for bioaccumulation factors, bioaccumulative chemicals of concern, the Great Lakes System, open waters of the Great Lakes and surface waters are added. The definitions are similar to the Federal definitions in the GLI, but the definition of the Great Lakes System is restricted to this Commonwealth portions of the Great Lakes basin.
93.8	<i>Development of site-specific water quality criteria:</i> The title and language of this section are modified to broaden the applicability of site-specific criteria to all forms of criteria in order to match the GLI (The current regulation is limited to aquatic life criteria). Site-specific criteria may be developed to replace currently existing Statewide or regional criteria; this change is not limited to the Great Lakes System, but is applicable Statewide. Language has also been added to cross reference this section to new proposed § 16.61 (relating to the Great Lakes System).
93.8a	<i>Toxic substances:</i> A new subsection (k) relating to requirements for discharges to the Great Lakes System is added to § 93.8a. Paragraph (1) adopts by reference the GLI mixing requirements for discharges of BCCs to the Great Lakes. Paragraph 2 adopts by reference the GLI procedures for total maximum daily loads (TMDLs) for the open waters. Paragraph (3) addresses antidegradation provisions for BCCs in all waters of the Great Lakes System. The GLI includes a provision for determining wasteload allocations (WLAs) for discharges to the tributaries as well as the open waters of the Great Lakes. The Department has submitted information to the Environmental Protection Agency (EPA) demonstrating that its existing procedures for developing WLAs on tributary streams are as protective as the GLI procedures for the tributary discharges. Because mixing procedures in lakes had not been developed prior to the GLI, the GLI methods are proposed for adoption for use in the open waters of the Great Lakes System.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will provide appropriate protection of surface waters in the Great Lakes System, including concerns specific to this Commonwealth.

Compliance Costs

Discharges to the Great Lakes System, especially to the open waters of the Lakes, may require alternate disposal methods, installation of additional technology to meet more stringent effluent limitations than discharges to other waters of this Commonwealth, and compliance costs may be higher for those discharges to the waters.

The changes may have some fiscal impact on or create additional compliance costs for the Commonwealth, political subdivisions, local governments and the private sector with wastewater discharges to the Great Lakes System. The number of affected discharges depends on the types and amounts of substances they discharge (whether or not they are BCCs). Currently, no permitted discharge to the Great Lakes System is known to be discharging BCCs and, therefore, no discharge currently has any effluent limitations for any BCCs.

Compliance Assistance Plan

The Department plans to educate and assist the affected public with understanding the revised requirements and how to comply with them by developing guidances. Regional Office permitting staff will work with dischargers, where necessary, to assist them in meeting any additional requirements imposed by the GLI. Based on currently available information, significant changes to permit limits and compliance levels are not expected.

Paperwork Requirements.

The regulatory revisions should not have any additional paperwork impacts on the Commonwealth, its political subdivisions and the private sector.

G. Pollution Prevention

Pollution prevention approaches to environmental management often provide environmentally sound and longer-term solutions to environmental protection because pollution is prevented at the source. Pollution prevention is defined by the EPA as measures taken to avoid or reduce generation of all types of pollution—solid/hazardous waste, wastewater discharges and air emissions—at their point of origin; however, it does not include activities undertaken to treat, control or dispose of pollution once it is created. The Federal Pollution Prevention Act of 1990 established a National policy and an environmental management hierarchy that promotes pollution prevention as the preferred manner for achieving State environmental protection goals. The hierarchy is as follows:

- a. Pollution should be prevented or reduced at the source.
- b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.
- c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible to render it less hazardous, toxic or harmful to the environment.

d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

The short- and long-term health of this Commonwealth's economy depends on clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvanians spend over \$1 billion per year in efforts to control pollutants through regulation of both industrial point discharges and nonpoint sources. In order to meet the Commonwealth's economic development and environmental protection goals successfully, the Commonwealth needs to adopt programs like pollution prevention that not only protect the environment but also significantly reduce costs and increase the competitiveness of the regulated community. When pollution is prevented up front, it can reduce a company's bottom-line costs and overall environmental liabilities often by getting the company out of the regulatory loop. It also can get the Department out of the business of regulating pollution that may not need to be generated in the first place.

In keeping with Governor Ridge's interest in encouraging pollution prevention solutions to environmental problems, these proposed amendments have incorporated the following provisions and incentives to meet that goal: these regulations are consistent with the GLI provisions that encourage pollution prevention by promoting the development of pollution prevention analysis and activities in the level of detection, mixing procedures, and antidegradation. Also, special provisions for BCCs reduce the discharge of these pollutants in the future, and therefore aid in preventing pollution.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on March 18, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor, and the General Assembly to review these objections before final publication of the regulations.

J. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted.

Comments, suggestions or objections must be received by the Board by May 13, 1997 (within 45 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by May 13, 1997 (within 45 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by May 13, 1997. A subject heading of the proposal and return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

K. *Public Hearing*

The Board will hold a public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 1 p.m. on the following date:

May 13, 1997 Department of Environmental Protection
1st Floor Meeting Room, Rachel Carson State Office Bldg.
400 Market Street
Harrisburg, PA

Persons wishing to present testimony are requested to contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at the hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Nancy Roush directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-312. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.1. Definitions.

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

* * * * *

BAF—bioaccumulation factor—The ratio in liters per kilogram of a substance's concentration in tissues of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.

BCC—bioaccumulative chemical of concern—A chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor greater than 1,000. After considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, BCCs are listed in Subpart A of Table 6 at 40 CFR Part 132 (relating to water quality guidance for the Great Lakes system).

* * * * *

Great Lakes system—The streams, rivers, lakes and other bodies of surface water within the drainage basin of the Great Lakes in this Commonwealth.

* * * * *

Open waters of the Great Lakes—The waters within the Great Lakes in this Commonwealth lakeward from a line drawn across the mouth of the tributaries to the lakes, including the waters enclosed by constructed breakwaters, but not including the connecting channels.

* * * * *

Surface waters—Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

* * * * *

§ 93.8. Development of site-specific water quality criteria [for the protection of aquatic life].

(a) The Department will consider a request for site-specific [aquatic life] criteria for protection of aquatic life, human health or wildlife when a person demonstrates that there exist site-specific biological or chemical conditions of receiving waters or exposure factors which differ from conditions upon which [State-wide] the water quality criteria were based. Site-specific criteria may be developed for use only in place of current Statewide or regional (such as the Great Lakes system) criteria. The request for site-specific criteria shall include the results of scientific studies for the purpose of:

* * * * *

(2) Developing site-specific criteria which protect [the] its existing [aquatic life and aquatic life expected to be present if the stream were meeting its] use and designated use.

* * * * *

(c) This section applies to the criteria in regulations adopted by the EQB, including § 93.5(f) (relating to application of total residual chlorine criteria); § 93.7, Table 3 (relating to specific water quality criteria) or in the statement of policy implementing § 93.8a (relating to

toxic substances) set forth at §§ 16.51 and 16.61 (relating to table; and water quality criteria special provisions for the Great Lakes system); or otherwise forming the basis for effluent limitations established under § 93.7(f). These provisions include criteria developed by the EPA under section 304(a) of the Water Pollution Control Act (33 U.S.C.A. § 1314(a)), and adopted in their original or modified form, and criteria developed by the Department.

* * * * *

§ 93.8a. Toxic substances.

* * * * *

(k) The requirements for discharges to and antidegradation requirements for the Great Lakes system are as follows:

(1) Discharges of BCCs in the Great Lakes system shall comply with the mixing procedures at 40 CFR Part 132, Appendix F, Procedure 3, Subpart C, which are incorporated by reference.

(2) Total maximum daily loads (TMDLs) for open waters of the Great Lakes shall be derived following the procedures at 40 CFR Part 132, Appendix F, Procedure 3, Subpart D, which are incorporated by reference.

(3) Statewide antidegradation requirements in this chapter and Chapter 95 (relating to wastewater treatment requirements) and in the Federal regulation at 40 CFR 131.32(a) (relating to antidegradation policy—Pennsylvania), as applicable, apply to the surface waters of the Great Lakes system.

(4) If, for any BCC, the quality of the surface water exceeds the levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the waters, that quality shall be maintained and protected, unless the Department finds that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the surface water is located, and will result in economic or social benefits to the public which outweigh any water quality degradation which the proposed discharge is expected to cause.

[Pa.B. Doc. No. 97-475. Filed for public inspection March 28, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 113]
Certificates of Insurance

The Insurance Department (Department) proposes to delete Chapter 113, Subchapter C (relating to certificates of insurance) as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and The Insurance Company Law of 1921 (act) (40 P. S. §§ 361—991).

Purpose

The purpose of this rulemaking is to delete §§ 113.31 and 113.32, to eliminate redundant regulations. The Department adopted the regulations over 20 years ago to caution and advise insurers and their representatives

that many noninsurance entities require the submission of certificates of insurance by their insurance carrier, which may vary from the basic insurance policy. The regulations simply reiterate that section 354 of the act (40 P. S. § 477b) prohibits the use of policy forms and documents that have not been approved by the Department, including certificates of insurance. As the provisions of these regulations are sufficiently addressed in the act, and the regulations in no manner enhance the authorizing statute, they are found to be redundant. Therefore, it is no longer necessary to continue these sections within the Department regulations.

Affected Parties

The deletion of the regulations affects insurance companies licensed to do business in this Commonwealth.

Fiscal Impact

There is no fiscal impact as a result of the deletion of these sections because of the redundant nature of the regulations to the statute. The regulatory provisions remain in effect under the statute.

Paperwork

There is no impact on paperwork as a result of the deletion of these regulations.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete obsolete regulations, no sunset date has been assigned.

Contact Person

Questions or comments regarding this proposed rulemaking may be addressed in writing to Carolyn Montgomery, Director, Bureau of Consumer Services, 1321 Strawberry Square, Harrisburg, PA 17120 (717) 783-2153, within 30 days of its publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 14, 1997, the Department submitted a copy of this proposal to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of the material is available to the public upon request.

If IRRC has objections to any portion of this proposal, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the proposal.

LINDA S. KAISER,
Insurance Commissioner

Fiscal Note: 11-142. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE

CHAPTER 113. MISCELLANEOUS PROVISIONS

**Subchapter C. [CERTIFICATES OF INSURANCE]
(Reserved)**

§ 113.31. [General] (Reserved).

[(a) Property and casualty insurance companies are cautioned that many noninsurance entities require the submission of Certificates of Insurance by their insurance carrier which enlarge or vary the terms of the underlying policy of insurance. The use of Certificates of Insurance may violate the insurance laws of the Commonwealth.

(b) Section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b) prohibits the use in this Commonwealth of policy forms and related documents which have not first been formally approved by the Insurance Department.]

§ 113.32. [Required statement] (Reserved).

[Certificates of Insurance shall contain either the following or substantially equivalent language:

"This Certificate of Insurance does not amend, extend, or otherwise alter the terms and conditions of insurance coverage contained in Policy No(s). ___issued by ___(Name of insurer)."]

[Pa.B. Doc. No. 97-476. Filed for public inspection March 28, 1997, 9:00 a.m.]

**[31 PA. CODE CH. 111]
Pennsylvania FAIR Plan**

The Insurance Department (Department) proposes to delete Chapter 111 (relating to Pennsylvania Fair Plan) as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and The Pennsylvania Fair Plan Act (act) (40 P. S. §§ 1600.101—1600.502).

Purpose

The purpose of this proposal is to delete Chapter 111 to eliminate redundant regulations. The Department adopted the regulations more than 20 years ago to implement the act. The act provides for the establishment of an Industry Placement Facility to assure fair access to insurance requirements (FAIR Plan) in order to make available basic property insurance for residential and commercial properties in this Commonwealth.

The substance of these regulations is sufficiently addressed in the act, and the regulations in no manner enhance the authorizing statute. Therefore, it is found to be redundant, and it is no longer necessary to continue Chapter 111 within the Department regulations.

Affected Parties

The deletion of this chapter affects property and casualty insurers licensed to do business in this Commonwealth.

Fiscal Impact

The deletion of this chapter has no fiscal impact because of the redundant relation of the regulations to the act. The regulatory provisions remain in effect under the statute.

Paperwork

There is no impact on paperwork as a result of the deletion of this chapter.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete redundant regulations, no sunset date has been assigned.

Contact Person

Questions or comments regarding this proposed rulemaking may be addressed in writing to Carolyn Montgomery, Director, Bureau of Consumer Services, 1321 Strawberry Square, Harrisburg, PA 17120, (717) 783-2153, within 30 days of its publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 14, 1997, the Department submitted a copy of this proposal to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1. A copy of the material is available to the public upon request.

If IRRC has objections to any portion of this proposal, it will notify the agency within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the proposal.

LINDA S. KAISER,
Insurance Commissioner

Fiscal Note: 11-140. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE

**CHAPTER 111. [PENNSYLVANIA FAIR PLAN]
(Reserved)**

§ 111.1. **[Fair Plan Act] (Reserved).**

[The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.101—1600.502) provides for the establishment of an Insurance Placement Facility and the formulation of a Fair Plan in order to make available basic property insurance against loss from fire and certain other perils for residential and commercial properties of this Commonwealth. The insurance value limit is \$1.5 million.]

§ 111.2. **[Cancellation notice] (Reserved).**

[Section 202(9) of the Pennsylvania Fair Plan Act (40 P. S. § 1600.202(9)) requires that a written notice be given to a policyholder at least 30 days prior to the cancellation or refusal to renew of a risk eligible under the Fair Plan, except when there is nonpayment of premium or evidence of incendiaryism. The notice shall contain an explanation of the procedures available for the policyholder to request an inspection under Section VII of the Fair Plan.]

§ 111.3. **[Endorsements] (Reserved).**

[(a) The actual endorsement of each property insurance policy issued in this Commonwealth will not be required. It is recommended, however, that an endorsement in the following form or substantially similar be attached to each policy:

It is agreed that insurance provided by this policy on any property which is eligible for coverage in the insurance placement facility of Pennsylvania shall not, except in the case of nonpayment of premium or evidence of incendiaryism, be cancelled nor renewal of such insurance refused unless the company shall first have provided at least 30 days prior written notice to the insured of the company's intent to cancel or not to renew, together with an explanation to the insured of the procedure for obtaining an inspection and a policy of basic property insurance from the facility.

(b) No endorsements may be issued until they have been approved by the Insurance Department.

(c) Bureaus, associations or rating organizations licensed in this Commonwealth may submit to the Insurance Department for approval endorsements on behalf of their respective members.]

§ 111.4. **[Penalties] (Reserved).**

[Failure to provide proper notice shall constitute a violation of the Pennsylvania Fair Plan Act (40 P. S. §§ 1600.101—1600.502) and subject the violator to prosecution by the Insurance Department as provided by law.]

[Pa.B. Doc. No. 97-477. Filed for public inspection March 28, 1997, 9:00 a.m.]

**STATE ARCHITECTS
LICENSURE BOARD**

**[49 PA. CODE CH. 9]
General Revisions**

The State Architects Licensure Board (Board) proposes to amend Chapter 9 (relating to State Architects Licensure Board) to read as set forth in Annex A.

A. Effective Date

The amendments will go into effect upon publication as final rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

The amendments are proposed under sections 6(a), (b) and (d), 8(b), 13(h) and 14 of the Architects Licensure Law (act) (63 P. S. §§ 34.6(a), 34.6(b) and (d), 34.8(b), 34.13(h) and 34.14).

C. Purpose and Need for the Amendments

In Executive Order 1996-1, February 6, 1996, executive agencies, including the Board, were directed to commence a program of review of existing regulations to ensure that regulations were consistent with the principles and requirements of the Executive Order. By these amendments, the Board proposes to implement its review of its existing regulations. In accordance with the principles of the Executive Order, the Board proposes to delete many regulations which it has determined are either unnecessary, outdated or for which viable nonregulatory alternatives exist. In revisions to existing regulations, the Board proposes to clarify and simplify requirements for licensure by examination and reciprocity. The Board proposes to delete regulations which embody former procedures and standards of the National Council of Architectural Registration Board (NCARB) which have undergone changes since its last major revisions to these regulations in 1986. Substantively, the Board proposes to conform its regulations pertaining to the practice of architecture to current practice and procedures. To do so, the Board proposes new sections concerning the architect's participation in design/build construction projects and construction management. Finally, the Board proposes to amend its regulations regarding complaints to conform to court decisions regarding the separation of prosecutorial and adjudicatory functions.

D. Persons Affected

These proposed amendments will affect individuals who are in architectural schools and architectural internships, candidates for licensure by examination or reciprocity, Pennsylvania licensed architects and persons who practice architecture or a component of the practice of architecture as defined in section 3 of the act (63 P. S. § 34.3).

E. Description of Amendments

Throughout the existing regulations both licensure and registration are used interchangeably when referring to an architect who has been granted a license to practice architecture by the Board. The act, as well as the regulations, require registration of architectural firms. Throughout this proposal, the Board deletes references to registration or certification of an architect and refers to a "license" or "licensure" as an "architect," reserving the nomenclature "registration" to architectural firms which have registered or applied for registration to do business in this Commonwealth. The word "certification" is reserved for use in connection with certification by NCARB.

The following is a section-by-section description of the changes which are proposed in each major category.

Affiliations with NCARB and Board Functions

The Board proposes to delete §§ 9.12—9.17, 9.22—9.26 and 9.28—9.35. These sections now describe the status of the Board as a member of the NCARB and describe Board officers, staff and their duties and general information. The Board has determined that these regulations are unnecessary and do not assist the candidate for licensure or the architect in providing either useful or necessary information as to Board operations or the requirements of the act.

Registration by Examination

The Board proposes to revise its regulations pertaining to the eligibility of candidates to sit for the examination. This proposal would delete §§ 9.42, 9.43, 9.45, 9.47 and 9.48. Owing to 1989 amendments to the eligibility requirements for examination, the existing classifications are out-of-date. The 1989 amendments under existing § 9.48 adopted the education requirements of NCARB certification which require that candidates eligible to take the licensure examination in this Commonwealth must possess an NAAB professional degree in architecture.

The Board proposes to recodify the education requirement in a revised § 9.46. Section 9.49a pertaining to the required training would be revised to delete outdated transitional language when the Intern Development Program was adopted as a prerequisite for licensure. The Board proposes to add a new subsection (b) providing information helpful to the candidate in submitting a complete application.

Finally, the Board adds a new § 9.50 (relating to reapplications) which adds language to deal with reapplications. The candidates have up to 5 years to take and pass an examination. The section further advises candidates that they must meet the requirements of the law and the regulations in effect at the time they reapply for the examination.

Reciprocity

The Board proposes to revise §§ 9.61 and 9.62 and delete § 9.63 concerning reciprocal licensure in order to clarify the manner in which an individual may obtain a license to practice architecture in this Commonwealth by virtue of possessing a license in another jurisdiction. The proposal would establish three avenues by which an individual may become licensed by reciprocity:

(1) Having been licensed by a state, territory or country with education, training and examination requirements equal to that in this Commonwealth at the time the architect was originally licensed.

(2) Having been licensed under examination, education or experience requirements not equal to the requirements of the Commonwealth, but having at least 10 years of continuous practice as a licensed architect.

(3) Having been licensed without examination by submitting architectural work on completed projects for Board review.

NCARB Certification

Section 9(a) of the act (63 P. S. § 34.9(a)) requires that the Board accept NCARB certification as presumptive evidence of meeting the requirements for licensure in this Commonwealth. To receive an NCARB certificate, an individual must meet NCARB education, training and examination standards and hold a current license from an NCARB member board.

The Board proposes to delete §§ 9.71—9.73 relating to NCARB certification before examination. These sections are outdated because they refer to examination procedures employed when the ARE was in written format. As of February 1997, the licensure examination is given in computer format. See 26 Pa.B. 5101 (October 26, 1996).

Recognition of NCARB certification as prima facie evidence of meeting the education, training and experience requirements of the Commonwealth would be recodified at § 9.61 (relating to general requirements).

Application Procedures

The Board proposes to delete §§ 9.87, 9.89 and 9.91. All of these provisions are outdated and no longer applicable. The new computer-administered examination provided by NCARB gives candidates notice as to whether or not they have passed an examination at the time they take the examination. Although the actual license is issued by the Board, notification of having passed the examination is sent to the candidates by NCARB's test administrator.

Section 9.88 (relating to verification of IDP) would be revised under the proposal and renamed. Completion of the Intern Development Program (IDP) of NCARB has been required by the Board as a precondition to take the licensure examination since 1991. Training as an architect begins after a candidate completes his professional education. Interns apply directly to NCARB which maintains a record of the interns' practice experience. The completion of IDP is monitored by NCARB. Certification of having completed the training required under IDP guidelines is sent directly by NCARB to the Board where the intern has applied for licensure.

The Board proposes to revise § 9.93 (relating to reporting of disciplinary actions, criminal convictions and other licenses), the self-reporting requirement for other states' disciplinary actions to make compliance simpler and easier for licensees to understand. Licensee compliance will assure that the Board will receive the earliest possible notice of disciplinary actions or criminal convictions after their occurrence.

Reactivation of Lapsed and Expired Licenses

The Board proposes to make minor editorial changes to §§ 9.101—9.103 (relating to reactivation of lapsed and expired licenses).

Examination

Section 9.116 (relating to admittance) is proposed to be amended to notify candidates of identification required for admission to the examination and prohibited conduct during an examination.

The Board proposes to delete § 9.120 pertaining to the administration of examinations. Under the new computer-administered examination procedure of NCARB, candidates who the Board has determined are eligible for licensure by examination may take the examination in any jurisdiction in which it is offered by NCARB. Candidates may schedule and take any part of the examination in any sequence. Examination results are sent directly to the jurisdictions where the candidate has applied for licensure.

Grading and Review

The Board proposes to revise §§ 9.131 and 9.132 (relating to examination grading; and grading compilation) to delete outdated references to the C/ARE examination which is no longer used and to make appropriate cross reference to § 9.27 (relating to inactive records), which places a 5-year limit on the time allowed to take and pass all parts of the ARE.

Architect's Seal

The Board has proposed to revise §§ 9.141—9.143 and 9.145 and delete § 9.144 to reflect recognition in section 12(a) of the act (63 P. S. § 34.12(a)) that a stamp may be used in lieu of a seal. The Board proposes to revise language with reference to a seal to include a stamp inasmuch as the Board has determined that no special rule should apply to either one or the other with regard to impressing the seal or making the stamp on construc-

tion documents, contract documents and other architectural work prepared by an architect or under his direct supervision.

In addition, the Board intends to add a new subsection to § 9.141 (relating to requirement) to require that an architect must impress a seal or must stamp all contract documents, plans and specifications which he prepares or which are prepared under his direct supervision. The new subsection (b) would also require that the licensed architect oversign all original documents. An architect's placing of the architect registration seal and signature on a document certifies that the architect has exercised direction, guidance and judgment in all aspects of the plan pertaining to health, safety and welfare issues, and accepts legal responsibility on architectural matters embodied in the document.

The Board proposes to revise § 9.142(a) to simplify language and to place upon the architect the responsibility for knowledge of his licensure status.

Finally, the Board proposes to delete § 9.144. This matter is now covered in § 9.142, which will provide that it is unlawful for an architect to seal or stamp documents while a license is not current for any reason (revocation, suspension or not current).

Standards of Professional Conduct

Section 6(b) of the act authorizes the Board to establish standards of professional conduct for architects. It is the Board's intent that the standards will form the basis for disciplinary action and, therefore, should not contain precatory injunctions or hortatory language. To the contrary, the Board believes the regulation should contain clear unambiguous statements of conduct which is prescribed or required.

The standards have, therefore, been revised to command compliance of every licensed architect and subject an architect to revocation, suspension, reprimand or civil penalty for a violation or departure from a standard of professional conduct. In addition, the Board proposes to add four new categories of prohibited conduct. Subsection (j) concerns a violation of a law while in the conduct of an architect's professional practice. Subsection (k) concerns the use of a seal contrary to section 12(a) of the act which prohibits an architect from signing or sealing professional work which was not prepared under the direct supervision of the architect. Subsection (i) concerns the architect's responsibility to assist architect interns in the development training and the architect's responsibility when verifying architectural work performed by an intern which he is responsible for a supervising architect. Subsection (l) proscribes fraudulent representations to a prospective client or an existing client or an employer in connection with obtaining employment to perform architectural work.

The Board proposes to delete § 9.152. The Board finds this section is no longer necessary. This section was originally intended to abrogate a former rule which prohibited price quotations as unethical. Today, and for many years prior to this date, the regulation states it as an accepted standard of practice. Continuing its existence in these rules is both confusing and unnecessary for the licensed professional architect.

Professional and Corporate Practice

The Board proposes to make amendments to § 9.161 (relating to compliance with applicable statutes) to update statutory references to the Associations Code with regard to firm practice.

Section 9.163 (relating to prior approval by the Board) concerns Board approval of architectural firm practice. Although an architect licensed in another jurisdiction may offer to perform architecture without first obtaining a license, section 13(h) of the act authorizes the Board to require annual filings of the entities which offer to practice or practice in this Commonwealth. This section implements section 13(h) of the act. In accordance with section 13(f) of the act, the Board proposes to add additional language requiring that the proposed letterhead include the name of at least one of the principals of the firm who holds a license to practice architecture in this Commonwealth. The addition of this information will assist the Board in expeditiously processing firm practice requests.

The proposed amendment to § 9.165 (relating to architect as employe) will eliminate a transitional clause it made in 1987 which is no longer applicable.

Under corporate practice, the Board proposes to add two new sections. These sections concern the practice of architecture in conjunction with other entities and design professionals. Since the enactment of the act in 1982, two methods of delivery of a building to an owner or client have increased in usage throughout the United States. Both are designed to facilitate and speed the design and construction process. These delivery processes are alternatively referred to as construction management and design-build. Both these terms are defined in § 9.2 (relating to definitions).

Construction management is included as a service within the practice of architecture as defined in section 3 of the act. The Board proposal would define construction management as planning, managing and coordinating construction in order to serve the economic investment of all entities through the control of time, cost and quality. Under § 9.167 (relating to design/build projects), the Board proposes to require the construction management service be provided through an architect or a professional engineer in responsible charge of the construction management services. Section 9.167 would also provide notice that the Board does not consider individuals performing general construction work to be within the types of activities the Legislature intended to reserve to licensed architects.

With regard to design-build activities, the Board proposal would define design-build project as a process in which a single entity executes a contract document with an owner to provide combined architectural and construction services. Although not recognized in the act, throughout the United States the selection by both public and private owners of the design-build delivery process has been increasing. There are numerous versions of the design-build process, some of which the Board believes would be unlawful in the act.

For purpose of regulation, a design-build project is defined as a process whereby the owner obtains both design and construction services through a contract with a single entity. The entity accepts full responsibility for providing both design services and the construction of the building. Design-build contrasts with the traditional building plan in which separate contracts are made for design and construction. The act declares that licensure is required to practice architecture to protect the health, safety and property of the people of this Commonwealth. See section 2 of the act (63 P.S. § 34.2). A license is required for design services of a structure or group of structures which have as their principal purpose, human habitation or use. The practice of architecture is further

defined to include the rendering or offering to render architectural services. See section 3 of the act.

By proposed § 9.167 (relating to design/build projects), the Board intends to provide rules governing the architect's participation in a design-build project. This section would require the architect and the design-build entity to enter into a written agreement which would require that the architect participate in all material aspects of architectural services provided. In addition, in any offering for design-build, the design-build entity must certify: the name of the architect; that the architect is contractually and professionally responsible for providing the architectural services and will have direct supervision over the architectural work; and that the architect's services will not be terminated without the consent of the owner.

Use of Names

The Board proposes to add a new sentence to § 9.171 (relating to the title "Architect") that graduates of professional schools and interns in training may not use the title "architect" prior to passing licensure examination and any offering of architectural services.

The Board also proposes to delete existing §§ 9.172 and 9.173 as unnecessary.

The Board proposes to amend § 9.177 (relating to use of names of deceased, withdrawn or retired persons firm names) to provide that a firm should be able to retain the use of the name of a withdrawn owner, as well as a retired or deceased owner, if the parties to the original firm agreed to do so. By this proposal, the Board responds to concerns from architects practicing in this Commonwealth that such a procedure should be permitted in the use of firm names.

Complaints Procedures

Under section 21(a) of the act (63 P.S. § 34.21(a)), the Board has authority to conduct investigations of complaints regarding licensed architects as well as applicants. In accordance with *Lyness v. State Board of Medicine*, 529 Pa. 535, 605 A.2d 1204 (1992), the Board has delegated this function to the Office of Prosecution of the Bureau of Professional and Occupational Affairs. The Board has retained its authority to conduct hearings and render adjudications and refer matters to hearing examiners under section 21(b) and (c) of the act. The Board proposes to amend §§ 9.181, 9.182, 9.185 and 9.202 to reflect the Board's compliance with directives of the *Lyness* decision pertaining to the exercise of its investigatory and prosecutorial powers.

Classifications

The Board proposes to delete various classifications of license. Currently, the Board maintains only two classifications, licensure by examination and licensure by reciprocity. These classifications are used for administrative purposes only when, for example, verifying licensure to another jurisdiction, and have no effect on the ability of a licensee to practice architecture in this Commonwealth.

F. Fiscal Impact

The proposal will have no ascertainable fiscal impact on the Commonwealth or local governments. With regard to the regulated population and candidates for licensure, the proposed amendments will result in fewer regulatory requirements and eliminate some restrictions of existing regulations pertaining to corporate practice and filings.

G. Paperwork Requirements

The proposed amendments will add no additional paperwork requirements for the Commonwealth, its local governments or the regulated population.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on March 13, 1997, to Independent Regulatory Review Commission (IRRC) and the Chairperson of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor of objections raised.

I. *Public Comment*

Persons wishing to make comments, suggestions or objections to the proposed amendments may do so by writing Kathleen Davis, Board Administrator, State Architects Licensure Board, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposal in the *Pennsylvania Bulletin*.

DENNIS L. ASTORINO,
President

Fiscal Note: 16A-413. 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 9. STATE ARCHITECTS LICENSURE BOARD

GENERAL PROVISIONS

§ 9.2. Definitions.

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

ARE—Architect Registration Examination of the NCARB approved by the Board as the architecture licensure examination.

Accredited program—A program accredited by the National Architectural Accrediting Board to provide courses in architecture and related subjects and empowered to grant professional and academic degrees in architecture.

Construction management—The practice of planning, managing and coordinating a construction or development project for which the construction requires plans or specifications, or both, which are prepared by a licensed architect or a licensed engineer, and when the services performed are

intended to serve the economic investment of all entities through the control of time, cost and quality.

Design/build project—A combined design and construction process whereby a specific entity executes a single contract document with an owner to provide the owner with both architectural and construction services.

* * * * *

IDP—Intern Development Program of NCARB.

IDP council record—A detailed authenticated record of an individual's education, training and character maintained by NCARB.

* * * * *

NCARB—National Council of Architectural Registration Boards, 1735 New York Avenue, NW, Suite 700, Washington, DC 20006.

* * * * *

AFFILIATION WITH NCARB

§ 9.11. NCARB membership.

The Board will maintain membership in [the] NCARB and the Middle Atlantic Regional Conference of NCARB. The necessary costs for the membership will be paid for under section 11 of the act (63 P. S. § 34.11).

(Editor's Note: The Board is proposing to delete §§ 9.12—9.17 as they currently appear in the *Pennsylvania Code* at pages 9-7—9-9 (serial pages (221095)—(221097)).

FUNCTIONS OF THE BOARD

§ 9.21. Board meetings.

In addition to the one regular meeting per year prescribed by law, the Board will hold additional meetings as may be necessary to conduct the business of the Board. The administrative assistant, in conjunction with the administrative office of the Bureau [of Professional and Occupational Affairs], will give notice of the time and place of each meeting at which formal action will be taken, under section 9 of the Sunshine Act (65 P. S. § [§ 271—286] 279). Meetings of the Board will be conducted in accordance with the Sunshine Act (65 P. S. §§ 271—286), and *Roberts Rules of Order, Revised*.

(Editor's Note: The Board is proposing to delete §§ 9.22—9.26 as they currently appear in the *Pennsylvania Code* at pages 9-9 and 9-10 (serial pages (221097) to (221098)).

§ 9.27. Inactive records.

Records of candidates for [registration] licensure that are inactive for [a period of] 5 years will be destroyed. A record will be considered inactive if a candidate [has taken the examination, has failed one or more parts of the examination, and has failed to retake one or more of the parts of the examination required for registration for a period of 5 years, or if a candidate had been declared eligible to sit for the examination and fails to sit for the examination for a period of 5 years] does not correct a deficiency in an application, or pass the

entire examination within 5 years of notice from the Board of the deficiency or eligibility to take the examination.

(Editor's Note: The Board is proposing to delete §§ 9.28—9.35 as they currently appear in the Pennsylvania Code at pages 9-10—9-12 (serial pages (221098)—(221100)).

REGISTRATION BY EXAMINATION

(Editor's Note: The Board is proposing to delete §§ 9.42, 9.43 and 9.45 as they currently appear in the Pennsylvania Code at pages 9-13 and 9-14 (serial pages (221101) and (221102)).

§ 9.46. Requirements for [candidates holding architectural degrees] examination eligibility.

[Subject to § 9.49a (relating to diversified training requirements):

(1)] A candidate for the examination [who holds a] shall have:

(1) A professional degree in architecture from an accredited [school of architecture shall have 3 years of diversified training experience in the offices of architects or the equivalent of the experience.

(2) A candidate for the examination who holds a Master's, Ph.D. or Doctor's degree in architecture from an accredited school of architecture, where the degree is the first professional architectural degree, shall have 3 years' training experience in the office of architects or the equivalent of the experience] program.

[(3) A candidate for the examination who holds a Master's, Ph.D. or Doctor's degree in architecture from an accredited school of architecture, where the degree is the second professional architectural degree, shall have 2 years experience in the offices of architects or the equivalent of the experience.]

(2) Three years of diversified training experience demonstrated by training requirements of the IDP.

[(4)] (3) An architectural degree candidate applying for first time registration [and meeting the requirements listed in paragraphs (1)—(3)] is required to pass the entire professional licensure examination of the Board within 5 years of the date of notice by the Board of eligibility to take the examination. The Board may waive this requirement upon proof of medical hardship or other extraordinary circumstances.

(Editor's Note: The Board is proposing to delete §§ 9.47 and 9.48 as they currently appear in the Pennsylvania Code at pages 9-15 and 9-16 (serial pages (221103) and (221104)).

§ 9.49a. Diversified training requirements.

[Effective for the 1992 and subsequent written licensure examinations, a candidate shall meet the]

(a) The Board has adopted NCARB Training Requirements for [Intern-Architect Development Program (IDP)] IDP as set forth in Appendix B to the 1985-1986 NCARB Circular of Information No. 1. The 1985-1986 NCARB Circular of Information No. 1 is

available from: National Council of Architectural Registration Boards, 1735 New York Avenue, N. W., Suite 700, Washington, D.C. 20006.

(b) The candidate shall keep records of required diversified training experience in accordance with NCARB IDP requirements. The candidate is responsible for having NCARB transmit a certificate of completion of IDP as part of the candidate's application. An application which does not contain a certificate will not be reviewed.

§ 9.50. Reapplications.

Candidates required to file new applications under §§ 9.27 and 9.46(c) (relating to inactive records; and requirements for examination eligibility) shall meet all requirements of the act and regulations in effect at the time the new application is filed.

[REGISTRATION] LICENSURE BY RECIPROCITY

§ 9.61. General requirements.

[(a)] Registration may be granted to an applicant who holds a [certificate of registration or its equivalent as an architect] license to practice architecture in another state, territory or country where [, in the judgment of the Board,] the qualifications required for [registration] licensure are equal to the requirements for [registration] licensure in this Commonwealth [if the applicant is not under investigation in the other jurisdiction as a result of an alleged violation of statute, or the applicant, having been found guilty of a violation, has satisfied the penalty imposed] at the time of licensure in the original jurisdiction and the applicant is of good moral character. Possession of an NCARB Certificate is prima facie evidence that the individual meets the requirements of the Commonwealth.

[(b) The reciprocal registration may be granted by the Board under the following categories:

(1) Reciprocal—The applicant is registered in another state, territory or country and not holding a NCARB Certificate.

(2) NCARB—The applicant is registered in another state, territory or country and is certified by the NCARB.]

§ 9.62. Reciprocal [registration] licensure.

(a) An applicant [requesting] for reciprocal [registration may be required to] licensure shall submit [with the] a completed application [an official certification of registration in his home state, territory or country from the Secretary of the examining or registration board or other certifying official, stating on what basis registration was granted, whether by oral or written examination or exemption, and whether the registration is in] on forms provided by the Board containing:

(1) A letter of good standing [at the time of application for registration in this Commonwealth], or the equivalent from the licensing entity of the state or country where the architect currently practices.

[(b) An applicant requesting reciprocal registration may submit with the application complete information] (2) Information relative to training, edu-

cation and experience as an employe or as a practicing principal [, as may be required by the Board].

(b) An applicant who has qualified for original licensure by having passed the 1992 ARE shall submit certification of having met the training requirements for IDP.

(c) [An architect registered] A candidate in another recognized and approved jurisdiction and seeking to practice within this Commonwealth who has not lawfully practiced architecture for [a period of] more than 10 years is required to submit a detailed summary of professional or business activities, or both, during the inactive period. It is within the discretion of the Board to determine whether the activities are substantially equivalent to the continuing practice of architecture.

(d) [An applicant requesting reciprocal registration may be required to appear before the Board for a personal interview. Submission of examples of the professional performance of the applicant may be required.] An applicant licensed on the basis of education, experience or examination not equal to the requirements of the Commonwealth shall submit satisfactory evidence of at least 10 years of continuous practice of architecture while holding a valid license as an architect. An applicant who has not taken a licensure examination shall provide the Board with a list of not less than three nor more than ten examples of architectural services designed and supervised by the applicant, giving location, name of owner, use and purpose, and date of completion.

(e) An applicant may be required to appear before the Board for a personal interview and may be requested to submit detailed information about training and experience, or both.

(Editor's Note: The Board is proposing to delete § 9.63 as it currently appears in the Pennsylvania Code at p. 9-18 (serial page (221106)).

NCARB CERTIFICATION

(Editor's Note: The Board is proposing to delete §§ 9.71—9.73 as they currently appear in the Pennsylvania Code at page 9-19 (serial page (221107)).

APPLICATION PROCEDURES

§ 9.84. Age and experience.

The [applicant] candidate shall be [at least 20 years of age and] of good moral character. [An applicant] A candidate for first-time [registration] licensure shall reside in or be employed in this Commonwealth by a Commonwealth [registered] licensed architect, practicing as a principal in this Commonwealth and having a permanent Commonwealth address.

(Editor's Note: The Board is proposing to delete § 9.87 as it currently appears in the Pennsylvania Code at p. 9-21 (serial page (221109)).

§ 9.88. Verification of [employment records] IDP.

[It is the responsibility of the candidate to submit with the application verification of employment listed. The verification shall be in the form of a letter from the employer, giving dates of employment, whether part-time or full-time, and duties performed. Effective for the 1992 and subsequent examinations, a] The candidate shall keep records of

required diversified training experience in accordance with NCARB recordkeeping procedures on NCARB IDP Recordkeeping Forms. These forms are available [from the Board's administrative office or] from NCARB. The candidate is responsible for having NCARB transmit to the Board Offices, a certificate of completion of IDP requirements as part of the candidate's application. An application which does not contain submissions of verification will not be reviewed.

(Editor's Note: The Board is proposing to delete § 9.89 as it currently appears in the Pennsylvania Code at page 9-21 (serial page (221109)).

§ 9.90. Board member as reference.

No Board member will act as a reference on the application of a candidate for [registration] licensure except as an employer [, except that a]. A Board member may act as a reference of a candidate applying for certification by NCARB, whether the Board member is or was the employer or not.

(Editor's Note: The Board is proposing to delete § 9.91 as it currently appears in the Pennsylvania Code at pages 9-22 and 9-23 (serial pages (221110) and (221111)).

* * * * *

§ 9.93. Reporting of disciplinary actions, criminal convictions and other licenses.

* * * * *

(b) [The reporting responsibilities enumerated in subsection (a) continue after the Board issues a license. If, after] After the Board has issued a license [, any of the events listed under subsection (a) occur], the licensee shall report [that matter] disciplinary action or criminal convictions, or both to the Board in writing within [30] 90 days after its occurrence or on the biennial renewal application, whichever occurs first.

REACTIVATION OF LAPSED AND EXPIRED [CERTIFICATES] LICENSES

§ 9.101. [Application] Reactivation.

An architect who has been licensed by the Board and who has discontinued the practice of architecture in this Commonwealth, and who has allowed his certificate of licensure to lapse by failing to pay the biennial renewal fee, may apply to the Board for reactivation of licensure.

§ 9.102. Requirements.

An architect applying [for reactivation of lapsed certificates] to return to active status shall submit [to the Board] an application on the form prescribed by the Board [. The application shall be accompanied by a fee for the certificate and a fee for reinstatement. The application shall also be accompanied by], the current renewal fee, reactivation fee and a notarized affidavit stating that the [applicant] candidate did not practice architecture in this Commonwealth during the period of [lapsed licensure] inactive status.

§ 9.103. [Late renewal] Lapsed licenses.

An architect who practices architecture in this Commonwealth and who has allowed his [certificate of licensure] license to [expire] lapse by failing to pay

a biennial renewal fee, may reactivate his [**certificate**] **license** by submitting to the Board an application on the form prescribed by the Board. The application shall be accompanied by the reactivation fee [**as set forth**] in § 9.3 (relating to fees), along with, past due biennial renewal fees, including the biennial renewal fee for the current period and penalty fees [**as set forth**] in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). The payment of any of these fees does not preclude the Board from taking disciplinary action against the architect for practicing architecture without a current license.

THE EXAMINATION

§ 9.116. Admittance.

A candidate shall present his admission letter [**to the proctor**] and **form of positive identification** for admittance to the examination. **Candidates shall comply with examination procedures and conduct standards as established by NCARB. Conduct evidencing suspected cheating, such as copying, photographing or using unauthorized materials will result in the dismissal of the candidate from the examination. Proof of suspected cheating may result in disqualification to sit for future examinations after notice to the candidate and an opportunity to be heard.**

(Editor's Note: The Board is proposing to delete § 9.120 as it currently appears in the Pennsylvania Code at page 9-27 (serial p. (221115)).

GRADING AND REVIEW

§ 9.131. Examination grading.

The [**written examination ()ARE()**] shall be graded using procedures developed by NCARB in consultation with a professional testing organization. [**under contract to the Bureau. The computer-administered examination (C/ARE) shall be graded using procedures developed by NCARB in consultation with a professional testing organization approved by the Bureau. Test**] Examination results shall be recorded by the Board in the [**permanent**] record of the candidate **and shall be maintained in accordance with § 9.27 (relating to inactive records).**

§ 9.132. Grading compilation.

To [**achieve overall passage of the examination**] **qualify for licensure**, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have unlimited opportunities, **subject to § 9.46(c) (relating to requirements for examination eligibility)**, to retake those portions of the examination which were failed.

ARCHITECT'S [SEAL] STAMP OF [REGISTRATION] LICENSURE

§ 9.141. Requirement.

(a) A [**registrant**] **licensee** shall, upon [**registration**] **licensure**, obtain a metal seal, of the design authorized by the Board, bearing the [**registrant's**] **licensee's** name and **license** number and the legend, "[**Registered**] Architect." A stamp design identical to the prescribed seal may be obtained and used in lieu of, **or in conjunction with**, a seal.

(b) **The architect shall impress his seal or stamp on all contract documents, plans and specifications prepared by or under his direct supervision. The architect shall over-sign the original documents.**

§ 9.142. [Use] Unlawful use of seal or stamp.

(a) [**Plans and specifications prepared by or under the direct supervision of a registered architect shall be stamped with the architect's seal of registration during the life of the registrant's certificate, and it is unlawful for anyone to stamp or seal documents with the seal after the registration of the registrant named thereon has expired or has been revoked or suspended, unless and until the certificate has been renewed or reissued.**] **An architect may not seal or stamp a document unless his license is current with the Board.**

(b) An architect may not impress the seal **or stamp**, or knowingly permit it to be impressed, on drawings, specifications or other design documents which were not prepared by the architect or under his direct supervision.

§ 9.143. Design [of seals].

(a) A [**registrant**] **licensee** may not design his own seal **or stamp** except as provided in this chapter.

(b) [**While each registrant who is a member of a firm of architects is required to obtain an individual seal, a**] A seal **or stamp** combining the names of a number of architects in [**the**] a firm may be used in lieu of individual seals **or stamps**, if the names of the individual [**registrants**] **licensees**, their registration number and the legend "[**Registered**] Architects" appear on the combined seal **or stamp**, and the members of the firm are licensed to practice architecture in this Commonwealth. If one or more members of the firm is not licensed by the Board, the individual architect who is professionally responsible for the work of the firm in this Commonwealth is required to use his individual seal **or stamp** on that work.

(c) **A mechanical reproduction of a stamp identical to the prescribed stamp may be used.**

[(c)] (d) This section [**may**] **does not [be construed to] relieve an individual architect whose name appears on the combined seal or stamp of a responsibility mandated in the act and this chapter.**

(Editor's Note: The Board is proposing to delete § 9.144 as it currently appears in the Pennsylvania Code at page 9-31 (serial page (206079)).

§ 9.145. Surrender of seals and stamps.

(a) If an architect voluntarily surrenders or is required to surrender his seal and stamp to the Board, the surrender shall be made in person or by registered mail to the office of the Board. If the cause of the surrender is forfeiture or revocation, the seal **or stamp, or both**, will be destroyed by the Board. The destruction will be noted for the record in the file of the architect named on the seal **or stamp, or both**. If the cause of surrender is suspension, the seal **or stamp** will be held in security by the Board until the period of the suspension is concluded or the conditions of the suspension have been complied with to the satisfaction of the Board, or both.

(b) Upon the death of an architect, written notice of the death shall be submitted to the Board by the architect's personal representative. Upon receipt of the notice, the

Board will declare the [**registration**] license number and the stamp or seal, or both, of the deceased architect void. [**On or before the settlement of the deceased architect's estate, the stamp or seal, or both, shall be surrendered to the Board.**]

CONDUCT OF [**REGISTERED**] LICENSED ARCHITECT

§ 9.151. Standards of professional conduct.

[(a)] An architect [**licensed in this Commonwealth is expected to be dedicated to the highest standards of professionalism, integrity and competence, including design excellence. This dedication requires adherence**] who fails to adhere to the standards of professional conduct in this section is subject to disciplinary action under section 19(4) of the act (63 P. S. § 34.19(4)). Unprofessional conduct includes, but is not limited to the following [**architectural standards of professional conduct**]:

(1) [**An architect shall**] Failure to exercise [**the highest**] due regard for the safety, life and health of the public, an employe or other individual who may be affected by the professional work for which he is responsible.

(2) [**An architect may not knowingly permit**] **Knowingly permitting**, without proper authorization, substantial deviation from [**or disregard of**] plans [**of**] or specifications by a contractor or supplier, when professional observation of the work is the architect's contractual responsibility.

(3) [**An architect shall be aware of**] Violation of relevant statutes and regulations [**which affect the professional practice**] related to the practice of architecture.

(4) [**An architect may not knowingly present or participate in the presentation of the name of an unlicensed person in a manner that suggests or implies that the person is practicing architecture**] **Knowingly permitting, aiding or abetting an unlicensed or an unregistered person, partnership, association or corporation to perform activities requiring a license as an architect or registration.**

[(b) In pursuit of the goal of professional excellence, an architect licensed in this Commonwealth shall adhere to the following ethical standards of professional conduct:

(1) **An architect may not knowingly engage**] (5) **Knowingly engaging** in or [**condone**] **condoning** dishonest or fraudulent activity.

[(2) **An architect may not Pay**] (6) **Paying** or [**offer**] **offering** to pay, either directly or indirectly, a gift, bribe, kickback or other consideration to influence the award of a commission for work, or to secure payment on or the continuation of work in progress.

[(3) **An architect may not accept financial solicitation,**] (7) **Accepting or soliciting** a substantial gift, bribe, commission or other consideration, either directly or indirectly, from a contractor, supplier or other party attempting to influence or otherwise affect the architect's professional relationship with a client or employer.

[(4) **An architect may not have**] (8) **Having** a financial interest in the earnings of a contractor or supplier on work for which [**he**] **the architect** has assumed professional responsibility, without full disclosure to and the approval of a client or employer.

[(5) **An architect may not knowingly make**] (9) **Knowingly making** or [**issue**] **issuing** a statement that is misleading, deceptive or fraudulent in regard to any aspect of his professional responsibilities or capabilities.

(10) **Violating a statute or regulation adopted thereunder, which imposes a standard for the practice of architecture in this Commonwealth.**

(11) **Using an architect's seal or stamp in violation of section 12 of the act (63 P. S. § 34.12) and §§ 9.141—9.143 and 9.145 (relating to architect's stamp of licensure).**

(12) **Verifying a candidate's IDP Council record that work was performed with skill, diligence and care when the architect knows that the work was not performed or was performed negligently.**

(13) **Knowingly misrepresenting his qualifications to a prospective or existing client or employer.**

(Editor's Note: The Board is proposing to delete § 9.152 as it currently appears in the Pennsylvania Code at page 9-33 (serial page (206081)).

PROFESSIONAL AND CORPORATE PRACTICE

§ 9.161. Compliance with applicable statutes.

An architect or group of architects may elect to practice architecture professionally as a sole proprietorship, a partnership, a professional association, a professional corporation or a business corporation. A practice so elected shall be formed and conducted under the act and this chapter. In addition, the practice shall comply as follows:

* * * * *

(2) In the case of a partnership, with [**59 Pa.C.S. §§ 301—545**] **15 Pa.C.S. Chapter 83** (relating to the Uniform Partnership Act).

* * * * *

(5) In the case of a professional association, with **15 Pa.C.S. Chapter 93 (relating to the Professional Association Act of 1988 [15 P. S. §§ 12601—12619]**.

* * * * *

§ 9.163. Prior approval by the Board.

The practice of architecture may not be conducted in one of the business forms specified at § 9.162 (relating to firm practice) without first receiving the written approval of the Board. Written approval shall be sought by filing the following documents with the Board:

* * * * *

(2) A copy of the proposed letterhead, containing thereon the names of the principals, followed by credentials indicating their respective professions, as well as the word "architect" or some derivation thereof as part of the name of the business, or as a subtitle thereto. **At least one of the principals listed shall be a licensee of the Board. For purpose of this paragraph, "principal" means a licensed architect who is the person in charge of an architectural practice, either alone or in combination with other licensed architects.**

* * * * *

USE OF NAMES

§ 9.165. Architect as employe.

Nothing in this chapter may be construed to prevent the employment of an architect by a business which is not engaged in the practice of architecture as defined in section 3 of the act (63 P. S. § 34.3), if the work performed by the employed architect concerns the modification of or the origination and supervision of the design or the construction of structures, or both, which the employer intends to utilize for its nonarchitectural business purpose. The employed architect shall be a licensee of the Board. This section does not prevent registered engineers from performing, or employing architects to perform, architectural services incidental to the practice of engineering, as provided in section 15(2) of the act (63 P. S. § 34.15(2)). **[This section takes effect on July 31, 1988, to permit businesses employing architects in violation of this section, as of January 31, 1987, based upon a good faith misinterpretation of section 13(j) of the act (63 P. S. § 34.13(j)), to conform their ownership structures and employment practices to section 13 of the act and this section.]**

§ 9.166. Construction management.

Construction management services shall be provided, whether it be through an outside firm or an owner's staff, only by utilizing a registered architect or a professional engineer in responsible charge. This does not preclude the performance of construction phase activities by persons normally engaged in construction work so long as activities do not supersede or otherwise limit an architect or engineer's decisions or responsibilities.

§ 9.167. Design/build projects.

Design and other architectural services may be offered and provided to a design/build entity if the following conditions are met:

(1) The design/build entity and an independent architect licensed in this Commonwealth execute a written agreement which provides that the architect will participate in all material aspects of the provision of architectural services relating to:

- (i) Design consultation, development and preparation.**
- (ii) Coordination of construction documents and the bid process.**
- (iii) Verification of adherence to construction documents and completion of the project.**

(2) In any offering of design/build services, the design/build entity certifies in writing to the owner:

- (i) The name of the architect engaged.**
- (ii) That the architect is contractually responsible for the performance of architectural services described in the offerings.**
- (iii) That the architect is professionally responsible to the owner for the performance of the architectural services which are to be provided.**
- (iv) That the architect will have direct supervision of the architectural work.**

(v) That the architect's services will not be terminated without the written consent of the owner.

§ 9.171. The title "Architect."

(a) Neither the title "Architect" nor "Architects" shall be affixed or otherwise used in conjunction with a surname, word or business title when the use would imply that an individual, associate, partner, corporate officer or business is engaged in the practice of architecture when, in fact, the individual, associate, partner, corporate officer or business is not a person or business [registered] licensed and approved by the Board under § 9.163 (relating to prior approval by the Board).

(b) Candidates for examination or awaiting the results of an examination may not use the title "architect."

(Editor's Note: The Board is proposing to delete §§ 9.172 and 9.173 as they currently appear in the Pennsylvania Code pages 9-38 (serial pages (206086)).

§ 9.175. Firm or business names.

(a) An architect, group of architects [registered in this Commonwealth] or business organized for the practice of architecture under section 13 of the act (63 P. S. § 34.13) and § 9.162 (relating to firm practice) may use a firm name which incorporates the surnames of the owners [as may be permitted by this chapter] or use a fictitious name if the firm files a certificate with the Board stating the name of the firm and the name and address of each person engaging in the practice.

(1) If a fictitious name is used, the name chosen shall contain the word "architect" or some derivation thereof, or shall be directly modified by a subtitle indicating that the purpose of the business is the practice of architecture.

[(b) (2) By use of a fictitious name, a firm may not use a surname, word, letters or figures indicating or intended to imply that the firm is engaged in a professional practice other than the practice of architecture and other professions as may be allowed under this chapter.

(b) An architect engaged in the practice of architecture individually or as a firm shall notify the Board upon his discontinuance, retiring or withdrawing from practice.

[(c) When a fictitious name is used to designate a firm, it shall be the responsibility of the firm to fully disclose to the Board the names and professional status of the principals with whom the firm contracts for professional service.]

§ 9.176. The use of associates or unlicensed persons in firm names.

The name of an architectural firm[, whether it be a sole proprietorship, partnership, professional association, professional corporation or business corporation] may also carry the words associate or associates, or may include the name of an unlicensed person, if approval of the name under § 9.163 (relating to prior approval by the Board) has been secured from the Board. If associates or unlicensed persons are used in the name or upon the stationery, letterhead, title block, specifications or another document prepared by the firm, the use may not imply that the [unregistered] unlicensed individual is [a registered person] licensed.

§ 9.177. Use of names of deceased, withdrawn or retired persons firm names.

Names of deceased, **withdrawn** or retired sole owners, partners, [**professional association members, professional corporation shareholders**] or [**business corporation**] shareholders may be retained in the firm after their death, **withdrawal** or retirement only if:

(1) There is a written agreement providing for the continued use of the names between the deceased, **withdrawn** or retired persons and the succeeding owners of the firm.

(2) The parties to the written agreement have been active partners, association members, [**professional corporation shareholders**] or [**business corporation**] shareholders for [**not less than**] at least 5 years at the time of death, **withdrawal** or retirement.

(3) [**The retired partner, professional association member, professional corporation shareholder or business corporation shareholder does not practice the profession under his own name.**

(4)] The names of deceased, **withdrawn** or retired partners, professional association members[, **professional corporation shareholders**] or [**business corporation**] shareholders are appropriately included on the firm stationery with suitable indication of status.

[(5)] (4) The names of deceased, **withdrawn** or retired partners, professional association members[, **professional corporation shareholders**] or [**business corporation**] shareholders are not carried in the firm name for more than 2 years after the death, **withdrawal** or retirement, unless the written agreement between the parties specifies otherwise.

[(6)] (5) A copy of the written agreement is filed with the Board at the time of the death, **withdrawal** or retirement, and the agreement receives the written approval of the Board.

PROCEDURES FOR COMPLAINTS

§ 9.181. Filing of complaints.

[A charge brought against an architect, group of architects or architectural firm alleging a violation of the act or this chapter may be brought by a person or group of persons, and shall be brought to the attention of the Board by the filing of a written statement with] Any person, firm, corporation or public officer may submit a written complaint regarding the practice of architecture to the Complaints Office of the Bureau.

§ 9.182. Records of charges against an architect.

A written statement under § 9.181 (relating to filing of complaints) shall be formally filed, and referred to the [**Board Prosecutor for investigation and recommendation to the Board**] Office of Prosecution of the Bureau, which shall cause an investigation to be conducted.

§ 9.185. Hearings.

(a) Investigations into charges raised in filed complaints may result in a determination [**by the Board, in consultation with the Board prosecutor,**] to proceed to a formal hearing to consider disciplinary action against the person charged.

* * * * *

(c) [**If, after investigation and consultation as specified in subsection (a), the Board determines that the filed charges involve unintentional or ministerial violations of a minimal nature, or both, the Board may request that the charged person attend an informal hearing with the Board.**

(d)] If a licensee is called before the Board, he has the right to have counsel present.

§ 9.190. Return of [certificate of registration] license.

In the event of revocation[, **cancellation,**] or suspension [**or annulment or a certificate of registration**] of a license, the [**registrant**] licensee shall be required to immediately return his [**registration certificate**] license and his current [**annual registration**] biennial renewal card. The [**Registrant's**] licensee's seal and stamp will also be impounded by the Board.

CHARGES AGAINST A NONARCHITECT

§ 9.202. Records of charges.

* * * * *

(b) A determination as to whether to proceed further on the filed charges shall be made [**after consultation between the Board and**] by the [**Board Prosecutor**] Office of Prosecution of the Bureau. Licensed architects may be employed as necessary to provide expertise required for the review of the architectural aspects of a complaint and to assist in the prosecution of individual cases.

ROSTER OF ARCHITECTS

§ 9.211. Identification of classes of [registration] licensure.

[**Effective January 1, 1966, all classes**] Classes of [**registration**] licensure as [**architects**] an architect in this Commonwealth shall be limited to Classes [**E**] X and B. [**However, for purposes of identifying the classes of registration granted prior to January 1, 1966, the following shall identify all classes:**

(1) *Class A*—Registration without full examination may be granted to the holder of a diploma or certificate from an architectural college or school, supplemented by at least 3 years' satisfactory experience in the employment of a reputable architectural office.]

(1) *Class X*—Licensure by examination.

(2) *Class B*—[**Registration without full examination**] Licensure by reciprocity may be granted to a practicing architect who holds a [**certificate of registration of**] current license, in good standing, in any other state or country, [**the**] whose requirements for obtaining [**which**] licensure are equal to those required under the act.

[(3) *Class C*—Registration without full examination but with practical examination may be granted to a nonresident of this Commonwealth provided he has practiced architecture for a period of 10 or more years prior to the passage of the act.

(4) *Class D*—Registration without full examination but with practical examination may be granted to a person not a citizen of the United States

having the same qualifications as under Class "C" or having similar qualifications as Class "A," he may pursue that course at the discretion of the Board.

(5) *Class E*—Registration without full examination may be granted, based upon the applicant's evidence of proper qualifications and his being engaged in the practice of architecture in this Commonwealth on or prior to July 12, 1918, provided the application has been filed with the Board not later than July 12, 1921.

(6) *Class F*—Registration without examination may be granted, based upon the proper qualifications of the applicant and his having no less than 5 years' practice as an employe of a reputable architectural office or firm, provided the application has been filed with the Board not later than July 12, 1921.

(7) *Class EA (Affidavit Architect)*—Registration without full exam upon applicant's evidence of qualifications and his having been engaged in the practice of architecture in this Commonwealth on or before July 12, 1919, provided that an affidavit is filed prior to January 1940 and application for registration is filed with Board prior to January 1942.

(8) *Class FA*—Registration may be granted to an applicant who has been in the continuous employ of a "duly licensed, qualified, or registered architect or architects," performing general drafting duties and architectural services for 15 years, provided he submits evidence of having completed the course in a high school approved by the Board or its equivalent and satisfactorily passes a practical examination to be determined by the Board. Class FA applications shall be considered by the Board at a regular meeting in order to determine whether the education and experience of the applicant warrants granting an oral examination in lieu of the regular written examinations. If the application is accepted under Class FA, the applicant will be requested to appear before the Board and submit complete sets of plans for three different projects, one set of specifications and photographs of the completed structures. These exhibits should be accompanied by letter or statements from the architect whose name appears on the plans, indicating for what portions of the work the applicant was personally responsible.

(9) *Class EX*—Registration by full written examination.]

[Pa.B. Doc. No. 97-478. Filed for public inspection March 28, 1997, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Fees

The State Board of Dentistry (Board) proposes to amend § 33.3 (relating to the schedule of fees), to read as set forth in Annex A. The objective of the proposed

amendment is to establish application, temporary permit, verification and renewal fees for expanded function dental assistants (EFDAs) and to increase the application fees for dentists and dental hygienists. The fees will offset the identifiable costs incurred by the Board to process the documents and defray a portion of the Board's overhead.

EFDA Fees

The act of December 27, 1994 (P. L. 1361, No. 160) amended The Dental Law (act) (63 P. S. §§ 120—130i), to include the certification and regulation of EFDAs. Under the act, during the period between the effective date of the act and the date the results of the first certification examination is announced, the Board must issue temporary permits to qualified EFDA applicants. See 63 P. S. § 130h(a). The fees for the temporary permits shall be established by regulation. See 63 P. S. § 130h(b).

The Board was unable to obtain any reliable estimate from the private sector of the number of persons currently employed in dental offices who might apply for a temporary permit. As a result, the Board was required to choose between issuing temporary permits and charging a fee at a later time based upon the actual costs incurred in processing the applications, issuing the temporary permits and charging a fee based upon a guesstimate, or waiting to issue the temporary permits until the information could be obtained.

The Board decided that it would be in the interest of EFDAs and the dentists for whom they provide services to accept and process the applications as quickly as possible and charge the fee when the regulation is finally adopted based upon the actual review and processing costs. In May 1995, the Board began accepting and processing temporary permit applications. To date, approximately 1,600 temporary permits have been issued.

In processing the applications, the clerical staff spends approximately 15 minutes on each temporary permit application. The applications are reviewed for completeness, the education and experience are verified and the applicants are requested to provide missing information. If the application is acceptable, it is processed through the computer and the applicant is notified. Applications deemed deficient on their face are forwarded to a committee of the Board for review. If necessary, additional information is requested and reviewed, and the applicant is notified of the final action. The proposed fee of \$15 is a combination of these processing costs and the administrative overhead.

In addition to the temporary permit fee, the amendment proposes a \$25 biennial renewal fee and a \$35 criteria approval application fee for EFDAs. These fees are based upon the average biennial administrative expense per certificateholder added to the average biennial regulatory expense per certificateholder. Verification and certification fees have also been added to the Board's fee schedule to match those charged to dentists and dental hygienists.

Application Fees

The proposed amendment to § 33.3 also increases the application fees for dentists and dental hygienists to more accurately reflect the Board's actual expenses. Currently, dentists and dental hygienists pay an application fee of \$15, however, the actual cost of processing each application is approximately \$18.21. Since 1988, when these fees were last increased, the postal rates increased three times and the cost of personnel increased. The Board is therefore recommending a proposed fee of \$20.

In addition to the processing requirements outlined for temporary permits, prior to issuing a license, clerical staff also researched rosters to locate, verify and enter examination scores for the practical and clinical examinations.

Statutory Authority

Sections 4(a) and 11.7 of the act (63 P. S. §§ 123(a) and 130h), require the Board to fix the fees required for licensure and renewal of licenses, certificates and temporary permits by regulation.

Fiscal Impact

The proposed amendment will require EFDAs who wish to practice in this Commonwealth and dentists or dental hygienists to pay for the Board's expenses in processing their applications for temporary permits, certificates or licenses. The proposal should have no fiscal impact on the private sector, the general public or the political subdivisions.

Paperwork Requirements

The proposed amendment will require the Board to alter some of its forms to reflect the new application, certification, verification, temporary permit and biennial renewal fees; however, the proposed amendment should create no additional paperwork for the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 13, 1997, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposal, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed

amendments to Judith Pachter Schulder, Counsel, State Board of Dentistry, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication in the *Pennsylvania Bulletin*.

EDWIN F. WEAVER, III, D.D.S.,
Chairperson

Fiscal Note: 16A-463. 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 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

[License application] Application fee—dentists [and], dental hygienists and expanded function dental assistants \$[15]20

Criteria approval application fee—dentists [and], dental hygienists and expanded function dental assistants \$35

* * * * *

Verification [of licensure] fee—dentists [and], dental hygienists and expanded function dental assistants \$10

Certification [of licensure] fee—dentists [and], dental hygienists and expanded function dental assistants \$15

* * * * *

Biennial renewal fee—expanded function dental assistants \$25

Biennial renewal fee—unrestricted or restricted anesthesia permit \$25

Temporary permit—expanded function dental assistants \$15

[Pa.B. Doc. No. 97-479. Filed for public inspection March 28, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

Exemptions from Immunization Requirements in Child Day Care Facilities

The purpose of these statements of policy is to clarify the requirements for immunizations by recognizing valid bases for exemption from immunizations.

The Department of Public Welfare's (Department's) regulations require that each child have a report of an age-appropriate health assessment on file at the facility. The health report is required to include a review of the child's immunized status in accordance with the recommendations of the American Academy of Pediatrics. See §§ 3270.131(d)(5), 3280.131(d)(5) and 3290.131(d)(5) (relating to health assessment).

A child's parent or guardian may object to immunization on the basis of religious belief or on the basis of a strong personal objection equated to a religious belief. In addition, a child's health care provider may advise that the child should not be immunized for medical reasons. The Department is clarifying the type of documentation that must be included in a child's record to comply with the requirements for immunization when exemption is claimed.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief must be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need must be documented by a written, signed and dated statement from the child's health care provider. Statements must be kept in the child's record. The operator and facility will not be cited for noncompliance with §§ 3270.131(d)(5), 3280.131(d)(5) or 3290.131(d)(5) if the required statement is included in the child's record.

Contact Person

The contact person for these statements of policy is Jennifer Lau, Bureau of Child Day Care Services, 4th Floor, Bertolino Building, 1401 North 7th Street, Harrisburg, PA 17105-2675, (717) 787-8691.

Effective Date

These statements of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding statements of policy at §§ 3270.131a, 3280.131a and 3290.131a (relating to exemption from immunization—statement of policy) to read as set forth in Annex A.)

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-BUL-049. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS

CHILD HEALTH

§ 3270.131a. Exemption from immunization—statement of policy.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief shall be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's health care provider. Statements shall be kept in the child's record. The operator and facility will not be cited for noncompliance with § 3270.131(d)(5) (relating to health assessment) if the required statement is included in the child's record.

CHAPTER 3280. GROUP DAY CARE HOMES

CHILD HEALTH

§ 3280.131a. Exemption from immunization—statement of policy.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief shall be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's health care provider. Statements shall be kept in the child's record. The operator and facility will not be cited for noncompliance with § 3280.131(d)(5) (relating to health assessment) if the required statement is included in the child's record.

CHAPTER 3290. FAMILY DAY CARE HOMES

CHILD HEALTH

§ 3290.131a. Exemption from immunization—statement of policy.

Exemption from immunization for religious belief or strong personal objection equated to a religious belief shall be documented by a written, signed and dated statement from the child's parent or guardian. Exemption from immunization for reasons of medical need shall be documented by a written, signed and dated statement from the child's health care provider. Statements shall be kept in the child's record. The operator and facility will not be cited for noncompliance with § 3290.131(d)(5) (relating to health assessment) if the required statement is included in the child's record.

[Pa.B. Doc. No. 97-480. Filed for public inspection March 28, 1997, 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 March 18, 1997.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-17-97	First Maryland Bancorp, Baltimore, MD, to acquire 100% of the voting shares of Dauphin Deposit Corporation, Harrisburg, PA	Baltimore, Maryland	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-97	Susquehanna Interim Bank Bryn Mawr Montgomery County	Bryn Mawr	Approved

Application to charter an interim bank will be used to facilitate the acquisition of Founders' Bank, Bryn Mawr, by Susquehanna Bancshares, Inc., Lititz.

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
3-13-97	Wilbur Savings and Loan Association Bethlehem Northampton County	Bethlehem	Approved

To:

Wilbur Savings Bank
Bethlehem
Northampton County

Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-7-97	Clearfield Bank and Trust Company Clearfield Clearfield County	Clearfield	Effective

Purchase of assets/assumption of liabilities of one branch office of Mid-State Bank and Trust Company, Altoona, located at:

1925 Daisy Street
Clearfield
Clearfield County

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-97	Northern Central Bank Williamsport Lycoming County	10 Reitz Boulevard Lewisburg Union County	Opened
3-12-97	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	WalMart Routes 83 and 851 Shrewsbury York County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-17-97	Franklin First Savings Bank Wilkes-Barre Luzerne County	15 S. Franklin St. Wilkes-Barre Luzerne County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
3-14-97	SEI Trust Company Oaks Montgomery County	To provide for a change in the post office address of the principal place of business <i>From:</i> 100 Cider Mill Road; <i>To:</i> One Freedom Valley Drive, both addresses in Oaks, Montgomery County, PA 19456.	Approved and Effective

Voluntary Liquidations

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
3-13-97	Bank of Delaware Valley Fairless Hills Bucks County	Articles of Dissolution filed in the Department of State. Corporate existence terminated.

SAVINGS ASSOCIATIONS**Branch Relocations**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-14-97	Iron Workers Savings Bank, PaSA Aston Delaware County	<i>To:</i> 3 Old State Road Media Delaware County <i>From:</i> 10 Old State Road Media Delaware County	Filed

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
3-18-97	Utilities Employees Credit Union Sinking Spring Berks County	To eliminate the street address from Article 3 and to change the physical address of the principal of business <i>From:</i> 125 Exeter St., Reading; <i>To:</i> 2850 Windmill Road, Sinking Spring, Berks County, PA 19608.	Approved and Effective

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-481. Filed for public inspection March 28, 1997, 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 proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

PA 0003425. Industrial waste, SIC: 2851, **Ranbar Technology, Inc.**, 1114 William Flinn Highway, Glenshaw, PA 15116-2657.

This application is for renewal of an NPDES permit to discharge untreated boiler blowdown and stormwater from Glenshaw Plant in Shaler Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of Pine Creek, classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Millvale MWW, located on the Allegheny River, 4.78 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0015 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Temperature (°F)					110
pH	6.0—9.0				

Outfall 002: existing discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Dissolved Solids	monitor and report				
Oil and Grease	monitor and report				
Phenol	monitor and report				
Aluminum	monitor and report				
Arsenic	monitor and report				
Barium	monitor and report				
Zinc	monitor and report				
Xylene	monitor and report				
1,1,1 TCE	monitor and report				

The EPA waiver is in effect.

PA 0004821. Sewage, **Kennametal, Inc.**, P. O. Box 231, Latrobe, PA 15650-0231.

This application is for renewal of an NPDES permit to discharge treated sewage from Chestnut Ridge Sewage Treatment Plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Millers Run, which are classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Latrobe Municipal Authority located on Loyalhanna Creek.

Outfall 001: existing discharge, design flow of 0.01 mgd.

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	
CBOD ₅	30			60
Suspended Solids	45			90
Ammonia Nitrogen				
(5-1 to 10-31)	8			16
(11-1 to 4-30)	12.5			25
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	6.0—9.0			

Outfall SW1—SW3: These discharges shall consist solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.

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

PA 0209864. Sewage, **William I. and Delores A. Carrier**, 6321 Sterrettania Road, Fairview, PA 16415.

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

The receiving water is classified for high-quality, cold-water plus migratory 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 the City of Erie intake, located in Lake Erie, approximately 9 miles downstream from the point of discharge.

The proposed effluent limits for Outfall 001, based on average design flow of 0.0012 mgd, are:

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Phosphorus as "P"	1.0	
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0103241. Sewage, **Moniteau School District**, Marion Elementary School, 1810 W. Sunbury Road, West Sunbury, PA 16061.

This application is for renewal of an NPDES permit to discharge treated sewage to the unnamed tributary to Seaton Creek in Marion Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Camp Allegheny on Slippery Rock Creek located at Ellwood City, approximately 30 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of .00273 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	17	34
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	14,000/100 ml as a geometric average	
Total Residual Chlorine (Interim)	monitor and report	
(Final)	.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0210528. Robert Bailey Construction, 111 Walton Street, Philipsburg, PA 16866.

This application is for renewal of an NPDES permit, to discharge treated sewage to unnamed tributary to Wolf Run in Washington Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Hawthorn Water Authority on Redbank Creek located at Hawthorn, approximately 36 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.000528 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	21,200/100 ml as a geometric average		
Total Residual Chlorine	monitoring only		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0050903. Industrial waste, Flagg Brass, Inc., 1020 West High Street, Stowe, PA 19464.

This application is for renewal of an NPDES permit to discharge stormwater from the facility into the Schuylkill River in West Pottsgrove Township, **Montgomery County**. This is an existing discharge to the Schuylkill River.

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

The proposed effluent limits for Outfalls 004, 205, 005 and 006, from noncontact cooling water and stormwater are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	monitor/report		
Total Suspended Solids	monitor/report		
Oil and Grease	monitor/report		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Total Kjeldahl Nitrogen	monitor/report		
Total Phosphorus	monitor/report		
Total Iron	monitor/report		
Total Copper	monitor/report		
Total Lead	monitor/report		
Total Zinc	monitor/report		
Total Nickel	monitor/report		
Trichloroethylene	monitor/report		

The proposed effluent limits for Outfall 016, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0057118. Industrial waste, **Keystone Ozone Pure Water Company**, P. O. Box 365, 1075 General Sullivan Road, Washington Crossing, PA 18977.

This application is for issuance of an NPDES permit to discharge untreated bottle rinse water from a water bottling facility in Lower Makefield Township, **Bucks County**. This is a new discharge to a retention basin to a dry swale tributary to Core Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	500	750	1,500
Total Suspended Solids	30	60	75
MBAS			0.5
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0054283. Amendment No. 1, Industrial waste, **Unisys Corporation**, Corporate Environmental Affairs, P. O. Box 203, Paoli, PA 19301.

This application is for an amendment to an existing NPDES permit to discharge treated groundwater from a groundwater remediation system to Little Valley Creek in East Whiteland Township, **Chester County**.

This amendment reflects revised effluent limits based on a site-specific analytical method detection limit study as required by the permit.

The receiving stream is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.367 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>
Chromium, Hexavalent	monitor/report		
Chromium, Total	0.0165	0.033	0.041
Iron, Total	0.3	0.6	0.75
1,1 Dichloroethane	0.0022	0.0044	0.0055
1,2-Dichloroethane	0.0026	0.0052	0.0065
1,1-Dichloroethylene	0.002	0.004	0.005
Methylene Chloride	0.002	0.004	0.005
Tetrachloroethylene	0.0029	0.0058	0.0072
1,1,1 Trichloroethane	0.0024	0.0048	0.006
Trichloroethylene	0.0022	0.0044	0.0055
1-2 TransDichloroethylene	0.0025	0.005	0.0063

The EPA waiver is in effect.

PA 0054500. Sewage, **Keith Aldinger**, 184 Lone Pine Road, Barto, PA 19504.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow sewage treatment plant serving the Aldinger residence in Douglass Township, **Montgomery County**. This is an existing discharge to the tributary of the west branch of Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 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)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	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	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0081922	Lewisberry Area Joint Sewer Authority P. O. Box 363 Lewisberry, PA 17339	York Lewisberry Boro	Bennett Creek	TRC
PA 0082376	W. St. Clair Twp., Pleasantville Boro M. A. P. O. Box 88 Alum Bank, PA 15521	Bedford W. St. Clair Township	Barefoot Run	TRC
PA 0081850	Gettysburg Mun. Auth. Water Filtration Plant 601 E. Middle Street Gettysburg, PA 17325	Adams Cumberland Township	UNT of Marsh Creek	TRC
PA 0111422	Thompsons town Mun. Auth. P. O. Box 154 Thompsons town, PA 17094	Juniata Thompsons town Borough	Delaware Creek	TRC
PA 0033057	Crestview Village Mobile Home Park 455B Middlecreek Rd. Lititz, PA 17543	Dauphin Londonderry Township	Iron Run	TRC
PA 0021776	Fairfield Mun. Authority 180 Water Street Ext. Fairfield, PA 17320	Adams Hamiltonban Township	Spring Run Creek	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.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it

is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

A. 2688413. Amendment No. 2. Sewerage. **NWL Co.**, Route 40 East, P. O. Box 188, Farmington, PA 15437. Application for the construction and operation of a wastewater treatment plant to replace the existing system which services the Nemaocolin Woodlands Resort in the Township of Wharton, **Fayette County**.

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

WQM Permit No. 3397401. Sewerage. **Bell Township**, R. D. 2, Box 56A, Punxsutawney, PA 15767. This project is for the construction of sanitary sewer mains, service laterals, manholes and a pump station to service the Fairview, Cloe and Albion sections of Bell Township, **Jefferson County**.

WQM Permit No. 2597407. Sewerage. **Summit Township**, 8900 Old French Road, Erie, PA 16509. This project is for the construction of a pump station and gravity sewer to service a proposed residential development of 132 single family and 51 townhouse units in Summit Township, **Erie County**.

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

A. 6782401. (Amendment 97-1) Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331 in Hanover Borough, **Adams County** to upgrade their existing treatment plant including dechlorination was received in the Southcentral Region on March 5, 1997.

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 the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

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

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

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

Huntingdon County Conservation District, District Manager, R. R. 1, Box 7C, Huntingdon, PA 16652, telephone (814) 627-1627.

NPDES Permit PAS103005. Stormwater. **DEP**, Bureau of Abandoned Mine Reclamation, P. O. Box 149, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Todd Township, **Huntingdon County**, to Roaring Run.

Indiana County Conservation District, District Manager, 251 Route 286 North, Indiana, PA 15701, telephone (412) 463-7702.

NPDES Permit PAS103108. Stormwater. **DEP**, Bureau of Abandoned Mine Reclamation, P. O. Box 149, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Canoe Township, **Indiana County**, to UNT to Little Mahoning Creek.

Luzerne County Conservation District, District Manager, Smith Pond Road, Lehman, PA 18627, telephone (717) 674-7991.

NPDES Permit PAS10R023. Stormwater. **DEP**, Bureau of Abandoned Mine Reclamation, 2 Public Square, Wilkes-Barre, PA 18701 has applied to discharge stormwater from a construction activity located in Newport Township, **Luzerne County**, to Newport Creek.

NPDES Permit PAS10R024. Stormwater. **Luzerne County Convention Center Authority**, 54 West Union Street, Wilkes-Barre, PA 18711 has applied to discharge stormwater from a construction activity located in Wilkes-Barre Township, **Luzerne County**, to Coal Brook and existing basin.

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

NPDES Permit PAS10W059. Stormwater. **Donald Wendel**, 1333 Plantation Drive, Bethel Park, PA 15102 has applied to discharge stormwater from a construction activity located in North Strabane Township, **Washington County**, to UNT to Little Chartiers Creek.

Westmoreland County Conservation District, District Manager, Donohoe Ctr., R. R. 12, Box 202B, Greensburg, PA 15601, telephone (412) 837-5271.

NPDES Permit PAS10X073. Stormwater. **Barbara Tomer**, P. O. Box 463, Murrysville, PA 15668 has applied to discharge stormwater from a construction activity located in Murrysville municipality, **Westmoreland County**, to Haymakers Run.

NPDES Permit PAS10X074. Stormwater. **Lakefront Properties LTD Inc.**, 772 Pine Valley Drive, Pittsburgh, PA 15239 has applied to discharge stormwater from a construction activity located in Salem Township, **Westmoreland County**, to Beaver Run.

NPDES Permit PAS10X075. Stormwater. **Franklin Regional School District**, 3210 School Road, Murrysville, PA 15668 has applied to discharge stormwater from a construction activity located in the municipality of Murrysville, **Westmoreland County**, to Turtle Creek.

SAFE DRINKING WATER

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

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

A. 0383502-A3. Worthington Municipal Authority, P. O. Box 0, 434 North Bear Street, Worthington, PA 16262. Construction of a metering facility to provide an interconnection with the Kittanning Suburban Joint Water Authority, serving West Franklin Township, **Armstrong County**.

Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.

A. 2197501. Public water supply. **Pine Grove Furnace State Park**, Cooke Township, **Cumberland County**, (Roger Fickes, Director, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551), construction of potable microfiltration plant, disinfection and pumping facilities at Fuller Well, (Peter J. Lusardi, P. E., CET Engineering Services, 1240 North Mountain Road, Harrisburg, PA 17112-1754).

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

6497501. Public water supply. **Woodlyn Residence**, James Connor, Owner, P. O. Box 2875, Branchville, NJ 07826. This proposal involves the modification and permitting of an existing system serving private residences within a development. Treatment will include disinfection and storage.

Engineer: James Knash, HC 62, Box 444A, Honesdale, PA 18431.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

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

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

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

Lippert Family Tract, Carlisle Borough, **Cumberland County**, John Lippert, et al., 1201 Neville Road, Carlisle, PA 17103 has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Carlisle Sentinel* March 13, 1997.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Mathews Farm, 1 mile south of Taylortown. Biosolids land application for agricultural utilization in Dunkard Township, **Greene County**. Application withdrawn in the Regional Office on March 6, 1997.

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Lilly Farm, 1 mile

south of Taylortown. Biosolids land application for agricultural utilization in Dunkard Township, **Greene County**. Application withdrawn in the Regional Office on March 6, 1997.

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

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

A. 101539. Dauphin Meadows Landfill, Dauphin Meadows, Inc., (Park West Two, Suite 420, 2000 Cliff Mine Road, Pittsburgh, PA 15275). Application for major modification for addition of a leachate evaporator and on-site power generator at the site in Upper Paxton and Washington Townships, **Dauphin County**. Application determined to be administratively complete in the Regional Office March 12, 1997.

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

A. 100280. USA Valley Facility, Inc., R. D. 2, Box 282A, Pleasant Valley Road, Irwin, PA 15642. Valley Landfill, R. D. 2, Box 282A, Pleasant Valley Road, Irwin, PA 15642. Application for a major permit modification for change of ownership of a municipal waste landfill in Penn Township, **Westmoreland County**, was received in the Regional Office on February 28, 1997.

A. 101421. Shade Landfill, Inc., R. D. 1, Box 305, off Rt. 160, Cairnbrook, PA 15924. Resource Conservation Corporation, R. D. 1, Box 305, off Rt. 160, Cairnbrook, PA 15924. Application for a major permit modification for change of ownership of a municipal waste landfill in Shade Township, **Somerset County**, was received in the Regional Office on February 28, 1997.

A. 101467. Chambers of Pennsylvania, Inc., Rt. 7, Box 302, Pony Farm Rd., Kittanning, PA 16201. Tri-Valley Transfer Station, Rt. 7, Box 302, Pony Farm Rd., Kittanning, PA 16201. Application for a major permit modification for change of ownership of a municipal waste transfer station in Kittanning Township, **Armstrong County**, was received in the Regional Office on February 28, 1997.

**AIR POLLUTION
OPERATING PERMITS**

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

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

06-302-141C. The Department intends to issue an Air Quality Operating Permit to **Sunsweet Growers, Inc.** (P. O. Box 608, Fleetwood, PA 19522) for three boilers in Fleetwood, **Berks County**. Two boilers are subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-304-025C. The Department intends to issue an Air Quality Operating Permit to **EAFCO, Inc.** (P. O. Box 388,

Boyertown, PA 19512) for four sand storage silos controlled by four fabric collectors in Boyertown, **Berks County**.

ER-36-1001. The Department intends to issue an Air Quality Emission Reduction Credit Approval to **Leggett & Platt, Inc.** (One Leggett Road, Carthage, MO 64836) for 30 tons of Volatile Organic Compounds (VOC) resulting from the shutdown of sources in Columbia, **Lancaster County**.

38-2004A. The Department intends to issue an Air Quality Operating Permit to **Kountry Kraft Kitchens, Inc.** (R. D. 2, Box 882, Newmanstown, PA 17073) for a modification to an existing spray paint booth in Millcreek Township, **Lebanon County**.

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

OP-30-040. The Department received an Air Quality Operating Permit application from **Cyprus Cumberland Resources Corporation**, (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370) for a coal preparation plant at its Cumberland Mine located in Whiteley Township, **Greene County**.

OP-65-222. The Department received an Air Quality Operating Permit application from **American Glass Inc.**, (1900 Liberty Street, Mt. Pleasant, PA 15666) for a pressed and blown glass manufacturing operation at its L. E. Smith Glass Company located in Mt. Pleasant Township, **Westmoreland County**.

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

OP-53-0006A. The Department intends to issue an operating permit to **Transcontinental Gas Pipe Line Corporation** (P. O. Box 1396, Houston, TX 77251) for the operation of a gasoline gas fired reciprocating engines at Compressor Station 535 in Wharton Township, **Potter County**.

49-312-003A. the Department intends to issue an operating permit to **Eldorado Properties Corporation, owner, and Petroleum Products Corporation, operator**, (PO Box 2621, Harrisburg, PA 17105) for the operation of a gasoline loading operation and associated air cleaning devices (two carbon adsorption vapor recovery units) at the Northumberland Terminal in Point Township, **Northumberland County**. This gasoline loading operation is subject to Subpart XX of the Federal Standards of Performance for New Stationary Sources.

NOTICE OF INTENT TO ISSUE

**Title V Operating Permit
Permit No. TV-36-05079**

Lancaster County

The Department of Environmental Protection intends to issue a Title V Operating Permit to Chester County Solid Waste Authority for the Lanchester Landfill located in Caernarvon, Lancaster County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-36-05079).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

NOTICE OF INTENT TO ISSUE

Title V Operating Permit Permit No. TV-67-05009

York County

The Department of Environmental Protection intends to issue a Title V Operating Permit to Solar Turbines, Inc., located in Springettsbury Township, York County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-67-05009).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

Notice of Intent to Issue State Only Operating Permit #OP-63-650

Per 25 Pa. Code § 127.424, notice is here provided that the Department intends to issue a facility-wide State Only Operating Permit to Goldschmidt Industrial Chemical Corporation (941 Robinson Highway, McDonald, PA 15057) for the McDonald Plant operating in Robinson Township, Washington County.

Permit conditions cover all equipment located at the facility, including the Main Boiler, Stannous Chloride Mill, Sodium Stannate Evaporator, Potassium Stannate Evaporator, Potassium Stannate Leach Tank, 750 Gallon Evaporator, Electrochemical Cells and a Tin Chloride Scrubber. Maximum allowable annual emissions (after control) are established at 8 tons of NO_x, 2 tons of CO, 1 ton of SO_x, and 13 tons of PM₁₀.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business

hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #OP-63-650).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000. For additional information contact Donald F. Rinald, Air Quality Control Engineer II, Air Quality at the same address.

PLAN APPROVALS

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

Northwest Regional Office: Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

PA-10-286A. The Department received a plan approval application for the operation of a surface coating line to

coat high pressure gas cylinders (200 units/yr) by **Portersville Sales and Testing, Inc.** (P. O. Box 131, Portersville, PA 16501) in Muddy Creek Township, **Butler County**.

PA-24-012A. The Department received a plan approval application for the installation of control equipment on an existing graphite mill, mix and extrusion facility (34,125,000 lbs/yr of petroleum coke). Control equipment will consist of a regenerative thermal oxidizer and four baghouses. The installation will be done by **The Carbide/Graphite Group, Inc.** (800 Theresia Street, St. Marys, PA 15857) in St. Marys, **Elk County**.

PA-24-131A. The Department received a plan approval application for installation of a baghouse (12,000 acfm) on a graphite cutting/finishing operation (24 million parts/year) by **SGL Carbon Corporation** (900 Theresia Street, St. Marys, PA 15857) in St. Marys, **Elk County**.

PA-25-028A. The Department received a plan approval application for construction of a hardwood chipper (5,000 tons of hardwood logs processed per day) by **International Paper—Erie Mill** (1540 East Lake Rd., Erie, PA 16533) in Erie, **Erie County**.

PA-42-174A. The Department received a plan approval application for construction of a wastewater treatment facility (30,000 gpd) by **McKean County Solid Waste Authority** (P. O. Box 448, Mount Jewett, PA 16740) in Sergeant Twp., **McKean County**.

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

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

06-1040. Construction of a material dryer controlled by a fabric collector and existing scrubber by **East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) in Richmond Township, **Berks County**. The source is subject to 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants.

06-309-001B. Installation of a fabric collector to control parts of an existing brick manufacturing facility by **Glen-Gery Corporation** (423 South Pottsville Pike, Shoemakersville, PA 19555) in Perry Township, **Berks County**.

06-319-046B. Installation of a fabric collector to control the material storage building by **General Battery Corporation** (P. O. Box 14294, Reading, PA 19612-4294) in Laureldale, **Berks County**. The source is subject to 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants.

07-313-012I. Installation of a natural gas fired enclosed flare by **QCI A ChemFirst Company** (P. O. Box 216, Tyrone, PA 16686) in Tyrone Borough, **Blair County**.

21-318-002B. Modification to an existing spray paint booth and construction of a new spray paint booth by **L. B. Smith, Inc.** (2001 State Road, Camp Hill, PA 17011) in Lower Allen Township, **Cumberland County**.

21-322-001B. Construction of an expansion at the existing landfill, associated landfill gas collection and control device by **Cumberland County Landfill** (142 Vaughn Road, Shippensburg, PA 17257) at the facility located in North Newton and Hopewell Townships. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

22-322-001A. Construction of a landfill leachate vaporator and an internal combustion engine by **Dauphin Meadows, Inc. a subsidiary of USA Waste, Inc.** (Route 209, Millersburg, PA 17061) at the facility located in Upper Paxton and Washington Townships.

36-313-030E. Modification of an existing pharmaceutical manufacturing facility by **Warner-Lambert Company** (400 West Lincoln Avenue, Lititz, PA 17543) in Lititz Borough, **Lancaster County**.

44-307-002A. Modification of steel conditioning grinder control with a new dust collector by **Standard Steel** (500 North Walnut Street, Burnham, PA 17009) in Burnham Borough, **Mifflin County**.

67-303-011A. Construction of a new fabric filter by **Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) in Wrightsville Borough, **York County**.

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

26-316-001. Fay-Penn Fiber, Inc. (7 East Congress Street, Suite 702, Savannah, GA 31401) for a raw material handling operation at its facility located in Georges Township, **Fayette County**.

26-316-002. Fay-Penn Fiber, Inc. (7 East Congress Street, Suite 702, Savannah, GA 31401) for drying systems and heater at its facility located in Georges Township, **Fayette County**.

26-316-003. Fay-Penn Fiber, Inc. (7 East Congress Street, Suite 702, Savannah, GA 31401) for an air transport and dust collection system at its facility located in Georges Township, **Fayette County**.

26-316-004. Fay-Penn Fiber, Inc. (7 East Congress Street, Suite 702, Savannah, GA 31401) for a building ventilation system at its facility located in Georges Township, **Fayette County**.

PA-04-033A. Nova Chemicals, Inc. (400 Frankfort Road, Monaca, PA 15061) for a D2 Liquid Lube Dylite process at its Beaver Valley Plant facility located in Potter Township, **Beaver County**.

PA-63-070A. Dyno Nobel, Inc. (P. O. Box 192, Donora, PA 15033) for a Prill Tower at its Donora Plant facility located in Donora Borough, **Washington County**.

PA-65-890A. Basic Carbide Corporation (900 Blythedale Road, P. O. Box 525, Buena Vista, PA 15018) for a carbide manufacturing process at its Lowber Facility located in Sewickley Township, **Westmoreland County**.

PA-65-889A. Allegheny Energy Resources, Inc. (20 Stanwix Street, Suite 600, Pittsburgh, PA 15222) for a LFG recycling facility at its Valley Landfill Site located in Penn Township, **Westmoreland County**.

PA-63-884A. Mine Technik America, Inc. (2045 West Pike Street, Houston, PA 15342) for a mine machinery manufacturing and repair operation at its Houston Facility located in Chartiers Township, **Washington County**.

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

19-302-030. Construction of a natural gas/number 2 oil fired boiler by **Blue Falcon Forge, Inc.** (P. O. Box 188, Berwick, PA 18603) in Berwick Borough, **Columbia County**.

Philadelphia Air Management Services Notice of Intent to Approve Construction and Operation of Maritank's, Inc. Thermal Fluid Heater and Mist Eliminator

Applicant: Maritank Philadelphia Incorporated

Plant Location: 67th St. and Schuylkill River, Philadelphia, PA 19153

Source Description: Thermal fluid heater and mist eliminator for asphalt tank truck loading operation.

Maritank Philadelphia Incorporated (Maritank) has requested an Air Management Services (AMS) Permit to operate a thermal fluid heater and mist eliminator with potential yearly emissions of: 2.4 tons particulate, 58 tons SO_x, 40 tons NO_x, 4 tons CO, and less than 1 ton VOC. A permit restriction will set the total yearly NO_x emissions to less than 25 tons. Actual yearly emissions are estimated to be less than 5 tons for particulate, CO, SO_x and VOC; and 10 tons NO_x.

AMS is making a preliminary determination of approval, with conditions, for operation of the thermal fluid heater and mist eliminator.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

Philadelphia Air Management Services Notice of Intent to Approve Construction and Operation of Allied Signal's, Inc. Dechoke Project

Applicant: Allied Signal Incorporated, Frankford Plant

Plant Location: Margaret and Bermuda Streets, Philadelphia, PA 19137

Source Description: Synthetic Organic Chemical Manufacturing Facility

Allied Signal Incorporated (Allied) has requested an Air Management Services (AMS) Permit to conduct a dechoke project.

The dechoke project will involve the following additions and/or modifications:

1. Addition of preflasher column PF-201.
2. Replacement of distillation column CL-111.
3. Oxygen enrichment of existing oxidizers.
4. Addition of another reboiler on distillation column CL-206.
5. Replacement of reboiler on distillation column CL-101.
6. Modification of distillation column CL-101 to allow vapor feed of distillation column CL-208.
7. Changes in pumps, valves and flanges as required for the changes listed above.

This project will result in a decrease in overall plant volatile organic compound (VOC) emissions of 7.5 tons per year. This reduction is a result of offsets achieved from the newly installed phenol barge loading scrubber operating at 95% efficiency.

AMS is making a preliminary determination of approval, with conditions, for the dechoke project listed above.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

Philadelphia Air Management Services Notice of Intent to Approve Construction and Operation of Bartash Publications', Inc. Four Non-Heatset Web Lithographic Printing Presses

Applicant: Bartash Publications Incorporated

Plant Location: 5400 Grays Avenue, Philadelphia, PA 19143

Source Description: Printing operation using four non-heatset web lithographic printing presses.

Bartash Publications, Inc. (Bartash) has requested an Air Management Services (AMS) Permit to operate four non-heatset web lithographic printing presses with potential VOC emissions of 18.88 tons per year with an estimated actual VOC emission of 4.1 tons.

AMS is making a preliminary determination of approval, with conditions, for operation of the four non-heatset web lithographic printing presses.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

Philadelphia Air Management Services Notice of Intent to Approve Installation and Operation of Sun Company's, Inc. Ultra Low NO_x Burners in H-1 Heater at 433 Alkylation Unit

Applicant: Sun Company, Inc., Girard Point Facility

Plant Location: 3144 Passyunk Ave., Philadelphia, PA 19145

Source Description: Petroleum Refinery

Sun Company, Inc. (Sun) has requested an Air Management Services (AMS) Permit to install ultra low NOx burners in H-1 Heater at 433 Alkylation Unit. These ultra low NOx burners are estimated to reduce NOx emissions to a level of 0.035 lb/MMBTU.

AMS is making a preliminary determination of approval for the ultra low NOx burners described above.

Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to AMS at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval with AMS stating the reason for the request.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours by contacting Brenda Bonner at (215) 685-7572. Persons wishing to submit written comments should send the comments to Brenda Bonner at the above address. Comments received by facsimile will not be accepted.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY APPLICATIONS

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—123 and 86.31—34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent

limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received

56860105. Permit renewal, **Croner, Inc.** (R. D. 4, Box 83-C, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 192.3 acres, receiving stream unnamed tributaries to Blue Lick Creek and Swamp Creek, application received March 10, 1997.

56823143. Permit renewal, **Croner, Inc.** (629 Main Street, No. 6, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Quemahoning Township, **Somerset County**, affecting 202.0 acres, receiving stream unnamed tributaries to Beaverdam Creek and Beaverdam Creek, application received March 11, 1997.

Bureau of District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.

63940101. **Robinson Coal Company** (P. O. Box 9347, Neville Island, PA 15225). Application received to revise permit to add 31.4 acres, to include coal removal on an additional 12.0 acres, on a bituminous surface mine located in Robinson and Smith Townships, **Washington County**, amended acreage 160.4. Receiving streams unnamed tributary to Robinson Run, Robinson Run, Chartiers Run, Ohio River, unnamed tributary to Little Raccoon Run, Raccoon Creek, Ohio River. Application received: February 27, 1997.

26970201. **VanSickle Coal** (R. D. 1, Box 18, New Salem, PA 15468). Application received for commencement, operation and reclamation of a coal refuse reprocessing site located in North Union Township, **Fayette County**, proposed to affect 24.1 acres. Receiving streams: unnamed tributaries and Redstone Creek to the Monongahela River. Application received: March 6, 1997.

65880113R. **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**. Receiving streams: unnamed tributaries to Conemaugh River and McGee Run. Renewal application received: March 6, 1997.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

33971301. Doverspike Brothers Coal Company (R. D. 4, Box 271, Punxsutawney, PA 15767), to operate the Dora No. 8 bituminous deep mine in Perry Township, **Jefferson County**, new underground mine, receiving stream Mahoning Creek. Application received January 21, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40663026C5. Pacton Corporation (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to existing anthracite refuse bank operation to include the operation of a coal preparation plant in Hazle Township, **Luzerne County**, affecting 6.2 acres, receiving stream—none. Application received March 4, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Received

06970301. John T. Dyer Quarry (R. D. 3, Box 188, Rock Hollow Road, Birdsboro, PA 19508), commencement, operation and restoration of a large noncoal surface mine operation in Robeson Township, **Berks County**, affecting 58.5 acres, receiving stream—Seidel Creek and Indian Corn Creek. Application received March 5, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

Permit No. E35-278. Encroachment. **Laminations, Inc.** (1300 Meylert Avenue, Scranton, PA 18509-2021). To construct and maintain approximately 360 linear feet of

trapezoidal channel having a bottom width of 8 feet with a 1.5H:1.0V side slopes and R4 riprap channel lining to relocate a portion of Meadow Brook (CWF). The project is located approximately 0.1 mile upstream of the confluence of Meadow Brook and the Lackawanna River (Scranton, PA Quadrangle N: 9.3 inches; W: 4.6 inches) in the City of Scranton, **Lackawanna County** (Baltimore District, Army Corp of Engineers).

Permit No. E39-334. Encroachment. **Parkland School District** (1210 Springhouse Road, Allentown, PA 18104-2119). To construct and maintain a 48-inch R.C.P. outfall structure along the left bank of Jordan Creek (TSF-MS). The project is associated with the new Parkland High School Project and is located on the south side of T599 (Ritter Road) approximately 0.4 mile west of the intersection of T599 and S. R. 1019 (Cedar Crest Boulevard) (Cementon, PA Quadrangle N: 2.0 inches; W: 6.9 inches) in South Whitehall Township, **Lehigh County** (Philadelphia District Army Corps of Engineers).

Permit No. E39-335. Encroachment. **Bruce J. Yocum**, 1101 West Tioga Street, Allentown, PA 18103. To construct and maintain a single span bridge having a total span of 58 feet, 3 inches with an underclearance of approximately 8 feet across Jordan Creek (TSF, MF). The project is located on the north side of S. R. 4007 approximately 0.3 mile southwest of the intersection of S. R. 4007 and T593 (Slatedale, PA Quadrangle N: 2.8 inches; W: 2.0 inches) in Lowhill Township, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

Permit No. E40-460. Encroachment. **Pennsylvania Power and Light Company**, Scranton Service Center, 600 Larch Street, Scranton, PA 18509-2420. To remove the existing structures and to construct and maintain a low flow crossing of a tributary to Hunlock Creek (CWF), consisting of a 14.7-foot × 4.7-foot open-bottom aluminum corrugated box culvert, for the purpose of providing access for maintenance of an existing electrical power line. The project is known as the Stanton/Susquehanna Line Bridge Replacement, and is located on the south side of S. R. 4001 (Hartman Road) approximately 0.4 mile east of the intersection of S. R. 4001 and T544 (Nanticoke, PA Quadrangle N: 18.2 inches; W: 7.7 inches), in Hunlock Township, **Luzerne County**. (Baltimore District, Army Corps of Engineers).

Permit No. E48-252. Encroachment. **City of Easton/Hugh Moore Park Commission**, City Hall, One South Third Street, Easton, PA 18042. To repair and maintain various aspects of a 2.5 mile section of the Lehigh Canal (WWF) situated in Hugh Moore Park to preserve the functional canal system for historical, educational and recreational purposes. The project begins approximately 0.8 mile upstream from S. R. 2012 and continues downstream to the intersection of Canal and Stewart Streets (Easton, PA Quadrangle N: 8.4 inches; W: 15.6 inches), in the City of Easton, **Northampton County**. (Philadelphia District, Army Corps of Engineers).

Permit No. E54-231. Encroachment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square, Wilkes-Barre, PA 18711-0790. To backfill 0.82 acre of water filled strip pits and 0.83 acre of associated PEM wetlands and to reestablish approximately 3,800 linear feet of the Little Tomhicken Creek (CWF) to eliminate a public safety hazard under BAMR Project No. OSM 54 (3042, 3727) 101.1. This project is located on the west side of S. R. 0924 between the towns of Oneida and Sheppton (Nuremberg, PA

Quadrangle N: 7.2 inches; W: 1.0 inch) in East Union Township, **Schuylkill County**. (Baltimore District, Army Corps of Engineers).

Permit No. E58-216. Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 3-span prestressed concrete box beam bridge, having normal span lengths of approximately 52.7 feet and an underclearance of approximately 11.7 feet across Wyalusing Creek (WWF). The project includes placement of fill in approximately 0.77 acre of PEM wetlands associated with the relocation of the western roadway approach. The project is located on S. R. 0706, Section 570, Segment 0020, Offset 0307, approximately 500 feet east of the intersection of S. R. 0706 and S. R. 0858 (Lawton, PA Quadrangle N: 6.8 inches; W: 15.5 inches), in Rush Township, **Susquehanna County** (Baltimore District, Army Corps of Engineers).

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

E15-541. Encroachment. **Whitford Country Club**, 600 Whitford Hills Road, Exton, PA 19341. To place and maintain riprap and bioengineering devices as bank stabilization along segments of a 2,050 foot reach of an unnamed tributary of West Valley Creek (CWF, MF), to repair and maintain golf cart/footbridge abutments, to remove five severely eroded and abandoned storm sewer and irrigation pipe stream crossings, to repair and maintain three stone retaining walls and to repair an irrigation intake structure at the Whitford Country Club located on the southern side of Whitford Hills Road (Downingtown, PA Quadrangle N: 4.5 inches; W: 5.5 inches) in West Whiteland Township, **Chester County**.

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

E41-398 Encroachment. **Loyalsock Township Supervisors**, 2501 E. Third St., Williamsport, PA 17701. To remove brush, trees and 5 unvegetated gravel and silt bars measuring 300, 200, 120, 150 and 150 feet in an unnamed tributary to McClures Run. The project is located about 150 feet east of River Avenue between Sheridan Street and Washington Boulevard (Montoursville North, PA Quadrangle N: 0.4 inch; W: 14.6 inches) in Loyalsock Township, **Lycoming County**. Estimated stream disturbance is approximately 920 feet with no wetland impact; stream classification is WWF.

E53-298. Encroachment. **Paul L. and Catherine Snyder**, R. R. 2, Box 165, Coudersport, PA 16915. To remove the existing structure and to construct and maintain an elliptical culvert 63 inches by 84 inches by 20 feet long with fieldstone headwalls both up and downstream in the west branch of Dingman Run on the west side of Dingman Run Road approximately 3 miles north of SR 006 (Coudersport, PA Quadrangle N: 9.25 inches; W: 7.00 inches) in Eulalia Township, **Potter County**. Estimated stream disturbance is less than 250 linear feet; stream classification is HQ-CWF.

E60-128. Encroachment. **PG Energy**, 39 Public Square, Wilkes-Barre, PA 18711. To remove the existing structure and to construct and maintain a 12 inch diameter steel gas main 712 feet in length under the west branch of the Susquehanna River approximately 245 feet north of SR 1010 (Milton, PA Quadrangle N: 14.50 inches; W: 16.30 inches) in White Deer Township, **Union County**. Estimated stream disturbance is more than 250 linear feet; stream classification is WWF.

DAM SAFETY

DEP Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 787-8568.

D02-117. Dam. **Timberglen Ltd.** (1216 Southgate Drive, Pittsburgh, PA 15241). To construct, operate and maintain a stormwater detention dam across a tributary to Montour Run (TSF) impacting approximately 0.11 acre of wetlands (PFO). The proposed earthfill dam will be approximately 17 feet high and control stormwater in The Walden Woods development located in North Fayette Township, **Allegheny County**. Construction will include approximately 0.11 acre of wetlands replacement.

WATER ALLOCATIONS

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

Southcentral Regional Office: Field Operations, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.

WA 05-496A. Water allocation. **Evitts Creek Water Company, Bedford County**. The applicant is requesting the right to withdraw a total of 20 mgd (based on an annual average) from Lake Gordon and Lake Koon, **Bedford County**.

WA 67-62B. Water allocation. **The York Water Company, York County**. The applicant is requesting the right to extend its service area to areas within Strewsbury, North Hopewell, Hopewell and Conewago Townships. No increase in allocated quantity requested.

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, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Permits Issued

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

NPDES Permit No. PA0210285. Sewage, **James Newton**, 350 Page Hollow Rd., Warren, PA 16365 is authorized to discharge from a facility located in Glade Township, **Warren County** to an unnamed tributary to Glade Run.

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

WQM Permit No. 2597404. Sewerage, **Michael Christ**, SRSTP, 4240 Kinter Hill Rd., Edinboro, PA 16412. Construction of Michael Christ SRSTP located in Washington Township, **Erie County**.

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

NPDES Permit No. PA0095338. Amendment No. 1. Industrial waste, **Kelly Run Sanitation, Inc.**, P. O. Box 333, Elizabeth, PA 15037 is authorized to discharge from a facility located at Forward Township, **Allegheny County**.

NPDES Permit No. PA0204901. Industrial waste, **Port Authority of Allegheny County**, Transit Division—Ross Maintenance, 2235 Beaver Avenue, Pittsburgh, PA 15233 is authorized to discharge from a facility located at Ross Township, **Allegheny County** to Nelson Run.

NPDES Permit No. PA0094064. Sewage, **Gary Ritchey**, P. O. Box 277, Ebensburg, PA 15931 is authorized to discharge from a facility located at Keystone Restaurant and Truck Stop STP, Munster Township, **Cambria County** to Noels Creek.

NPDES Permit No. PA0205451. Sewage, **Lawrence G. Schwartz**, 110 North Lane, Sewickley, PA 15143 is authorized to discharge from a facility located at Schwartz Mobile Home Park STP, Economy Borough, **Beaver County** to Big Sewickley Creek.

NPDES Permit No. PA0217531. Sewage, **Laurel View Manor, Inc.**, R. D. 2, Box 337, Mt. Pleasant, PA

15666 is authorized to discharge from a facility located at Hawkeye Mobile Home Park, East Huntingdon Township, **Wetsmoreland County** to Stauffer Run.

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

Permit No. 0488201. Amendment No. 3. Industrial waste, **BASF Corporation**, 370 Frankfort Road, Monaca, PA 15061. Construction of styrene/butadiene and acrylic latices located in the Township of Potter, **Beaver County** to serve the IW-Secondary Wastewater Treatment.

INDIVIDUAL PERMITS

(PAS)

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

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

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

PAS-10-Y060. Individual NPDES. **Daniel Stees**, Stees Corporation, 2510 E. Market Street, York, PA 17402. To implement an Erosion and Sedimentation Control Plan for an 18 hole golf course called Springwood Golf Course on 168.5 acres in York Township, **York County**. The project is located on the north side of Springwood Road about 0.8 mile east of interchange #6 of I-83 (York, PA Quadrangle N: 11.0 inches; W: 6.7 inches). Drainage will be to an unnamed tributary to Mill Creek.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS107413-01	Phillip Goyette (Owner) R. R. 4 Honesdale, PA 18431 and Linde Enterprises, Inc. (Operator) Golf Hill Road Honesdale, PA 18431	Wayne Co. Texas Twp.	Holbert Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to use NPDES General Permits

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective 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 and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

NPDES 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		
<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>
Adams County Bonneauville Borough	PAR100041	Meyer & Meyer Partnership 1566 Black Rock Road Brodbecks, PA 17329	Little Run	Adams CD (717) 334-0636
Allegheny County N. Fayette Twp.	PAR10A195	John Crow 105 East Street New Cumberland, 26047	Half Crown Run	Allegheny CD (412) 921-1999
Allegheny County Monroeville	PAR10A196	MBDB Trust Property 3755 W Dublin-Granville Road Dublin, OH 43017	Thompson Run	Allegheny CD (412) 921-1999
Allegheny County N. Fayette Twp.	PAR10A198	North Fayette Twp. 400 Branch Road Oakdale, PA	Montour Run	Allegheny CD (412) 921-1999
Allegheny County Indiana Twp.	PAR10A199	Alternative Living Services 115 Floral Vale Boulevard Yardley, PA 19067	Deer Creek	Allegheny CD (412) 921-1999
Allegheny County Pine Twp.	PAR10A197	Atlas Development Trust 10521 Perry Highway Wexford, PA 15090	Wexford Run	Allegheny CD (412) 921-1999
Armstrong County Redbank Twp.	PAR10B015	Glenn Shick Jr. Box 97 Oak Ridge, PA 16245	UNT	Armstrong CD (412) 548-3425
Bedford County W. Providence Twp.	PAR100422	Daniel Klock 1812 Timberline Road, Altoona, PA 16601	Raystown Branch	Bedford CD (814) 623-6706
Berks County Jefferson Twp.	PAR10C122	Earl Koenig, Jefferson Twp. 581 N. Schaefferstown Road Bernville, PA 19512	Ltl. Northkill	Berks CD (610) 372-4657
Berks County Washington Twp.	PAR10C055	John Backenstose Box 112 Barto, PA 19504	Perkiomen Creek	Berks CD (610) 372-4657
Berks County Maidencreek Twp.	PAR10C171	Fiorino Grande 424 Miller Road Sinking Spring, PA	Willow Creek	Berks CD (610) 372-4657

<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>
Blair County Allegheny Twp.	PAR100638	Boyd England and Elizabeth Linderman 50 East Court Street Doylestown, PA and 1375 Foot-of-Ten Road Duncansville, PA	Blair Gap Run	Blair CD (814) 696-0877
Blair County Allegheny Twp.	PAR100652	Joseph Wilt 559 Foot-of-Ten Road Duncansville, PA	Blair Gap Run	Blair CD (814) 696-0877
Blair County Logan Twp.	PAR100649	Randy DeGol 1643 Duquesne Lane Altoona, PA 16602	UNT to Burgoon	Blair CD (814) 696-0877
Clearfield County Sandy Twp.	PAR101734	DEP—Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA	UNT	Clearfield CD (814) 765-2629
Cumberland County Lower Allen Twp.	PAR10H117	Vanguard Devel. Corp. 413 Johnson Street, STE 210 Jenkintown, PA 19406	Cedar Run	Cumberland CD (717) 240-7812
Cumberland County Lower Allen Twp.	PAR10H115	S & A Custom Built Homes 15 Central Boulevard Camp Hill, PA 17011	Yellow Breeches	Cumberland CD (717) 240-7812
Cumberland County Hampden Twp.	PAR10H118	Thomas Gaughen P. O. Box 686 Camp Hill, PA 17011	UNT to the Conodoguinet	Cumberland CD (717) 240-7812
Dauphin County Derry Twp.	PAR10I110	Cherry Drive Associates 1300 Market Street Lemoyne, PA 17043	Spring Creek	Dauphin CD (717) 921-8100
Dauphin County Lower Paxton Twp.	PAR10I112	Sourbeer & Paul 5500 Linglestown Road Harrisburg, PA 17112	Paxton Creek	Dauphin CD (717) 921-8100
Indiana County Conemaugh Twp.	PAR103131	DEP, Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105	UNT to Sulphur Run	Indiana CD (412) 463-7702
Lackawanna County Scranton	PAR10N047	Allied Services 475 Morgan Hgwy. Scranton, PA 18503	Leach Creek	Lackawanna CD (717) 587-2607
Lancaster County E. Hempfield Twp.	PAR10-0-233	Hempfield United Methodist Church 3050 Marietta Ave. Lancaster, PA 17601	UNT to Swarr Rn.	Lancaster CD (717) 299-5361
Lancaster County U. Leacock Twp.	PAR10-0-238	John Martin 950 Hartman Station Road Lancaster, PA	UNT to Conesto. Creek	Lancaster CD (717) 299-5361
Lancaster County Warwick Twp.	PAR10-0-240	Clair Brothers Audio Enter. 662 Ditz Drive Manheim, PA	Santo Domingo	Lancaster CD (717) 299-5361
Montgomery County L. Frederick Twp.	PAR10T327	Gene Yerger 314 Main Street Collegeville, PA 19426	Swale to Perkiomen Crk.	Montgomery CD (610) 489-4506
Montgomery County Horsham Twp.	PAR10T321	Salvatore Bevivino 1028 W. Welsh Rd. Ambler, PA	W. Park Brook and Ltl. Neshaminy	Montgomery CD (610) 489-4506
Montgomery County Towamencin Twp.	PAR10T302	Greene, Tweed Leasing Corp. P. O. Box 305 Kulpsville, PA	Skippack Creek	Montgomery CD (610) 489-4506

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northampton County Bethlehem Twp.	PAR10U064	Bethlehem Twp. 2740 5th St. Bethlehem, PA 18017	Nancy Run	Northampton CD (610) 746-1971
Northumberland County W. Camero and Zerben Twps.	PAR104915	DEP, Bureau of Abandoned Mine Reclamation 2 Public Square Wilkes Barre, PA	Mahanoy Crk. and Zerbe Run	Northumberland CD (717) 988-4224
York County Winsor Twp.	PAR10Y066-1	John Argento 400 Hunting Park Lane York, PA 17402	Kreutz Creek	York CD (717) 840-7430
York County Springfield and Shrewsbury Twps.	PAR10Y238	Topflight Corporation P. O. Box 2847 York, PA 17405	Seaks Run and E. Br. Codorus Cr.	York CD (717) 840-7430
York County W. Manchester and Springetts. Twps.	PAR10Y235	Dept. of Transportation 2140 Herr Street Harrisburg, PA 17103	Codorus Creek	York CD (717) 840-7430
Horton Twp., Elk County	PAR608302	Lindo Rocky Cristini Cristini's Auto Wrecking, Inc. R. D. 1, Brockport, PA 15823	Bear Run and Toby Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Washington Twp., Erie County	PAG048424	Michael Chriest 4240 Kinter Hill Rd. Edinboro, PA 16412	Unnamed Tribu- tary of Conneauttee Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape 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.

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

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

Location: Borough of Conyngham, Luzerne County.

The Department's review has found that the Plan Update is now acceptable and hereby grants planning

approval. This review has also not identified any significant environmental impacts resulting from this proposal.

The Plan Update proposes several measures designed to improve the conveyance and treatment of the Borough's wastewater. These measures will be implemented by the Conyngham Borough Authority (Authority) on behalf of the Borough of Conyngham.

First, the Plan Update proposes to replace approximately 1,200 lineal feet of 8" vitrified clay pipe with 1,200 lineal feet of 15" SDR35 plastic (PVC) sewer pipe along with associated new manholes in a section of the conveyance system between Manholes 94 and 76 located in the Borough of Conyngham as depicted on drawing number CBA-P94001E in the Plan Update. This section of the conveyance system is being replaced to eliminate the entry of excessive infiltration into the conveyance system's lines and to provide adequate hydraulic conveyance capacity in this portion of the system.

Secondly, the Plan Update proposes the installation of an overflow structure to be located at Manhole No. 2 on the Authority's wastewater conveyance interceptor. This structure and associated conveyance line will facilitate the conveyance of excessively large wastewater flows, associated with wet-weather/high groundwater conditions, to a proposed, additional chlorine contact tank at the Authority's Wastewater Treatment Facility. The proposed, additional chlorine contact tank will allow for the adequate treatment of wastewater received by the wastewater treatment facility at the facility's peak design flow of 0.875 mgd. The overflow structure, its associated conveyance line and proposed chlorine contact tank will prevent future, additional overflows of untreated wastewater from

the wastewater treatment facility's treatment units, during high flow conditions, as has frequently occurred in the past.

Thirdly, the Plan Update proposes the replacement of existing electrical, mechanical and other operational equipment at the Authority's Wastewater Treatment Facility. The existing equipment is being replaced since certain components have reached or exceeded their design life and are either failing or currently inoperable.

Lastly, the Plan Update proposes to eliminate the existing pump station located on Howard Avenue in the Borough of Conyngham. Wastewater currently conveyed to this pump station will now be conveyed to the Authority's Wastewater Treatment Facility via a gravity sewer line to be constructed from the existing Howard Avenue Pump Station site to Manhole No. 278 located along SR0093 in Sugarloaf Township. The Howard Avenue pump station is being eliminated to prevent any future, additional discharges of untreated wastewater onto properties in the vicinity of the existing pump station's location.

The previously described activities are proposed to be financed either through a bond issue or local financial institution loan.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20(a)) (Act 537), and Ch. 71 of the Department's Regulations (25 Pa. Code Ch. 71), the Department will hold the Borough of Conyngham responsible for the complete and timely implementation of the Plan Update's chosen wastewater disposal alternative. Implementation of the Plan Update's chosen wastewater disposal alternative must be performed within the time frames indicated in the Plan Update's Schedule of Implementation.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan Update must be in compliance with the Department's Regulations and be submitted to and approved by the Department in writing.

SAFE DRINKING WATER

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

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

Permit No. 4297501. Public water supply. **Port Allegany Borough**, 1 Maple Street, Port Allegany, PA 16743-1318. This permit covers the newly installed Keating Avenue pump station and the addition of caustic soda at each entry point to raise the pH in order to reduce the lead and copper levels in the distribution system in Port Allegany Borough, **McKean County**.

Type of Facility: Community water supply.

Consulting Engineer: Brian S. Sekula, P. E., General Engineering, Inc., P. O. Box 684, R. D. 3, Box 52, Clarion, PA 16214.

Permit to Construct Issued: March 13, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The following final reports were submitted to the Department of Environmental Protection under the Land

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or 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 of Environmental Protection Regional Officer under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports.

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

Bethlehem Steel Corporation Highspire-Lower Swatara Site, Highspire Borough and Lower Swatara Township, **Dauphin County**. Bethlehem Steel Corporation c/o Pennsylvania Steel Technologies, Inc., 215 South Front Street, Steelton, PA 17113-2594 has submitted a Final Report concerning remediation of site soils contaminated with heavy metals. The report is intended to document remediation of the site to meet the background standard.

Harrisburg Steam Works, Ltd., Harrisburg, **Dauphin County**. Harrisburg Steam Works, 100 North Tenth Street, P. O. Box 3357, Harrisburg, PA has submitted a Final Report. The report is intended to document remediation of site soils contaminated with lead, heavy metals, PHCs and PAHs to meet the background standard, and remediation of site soils contaminated with chromium to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

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

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

C&W Environmental Services, Inc., 317 Enterprise Street, Ocoee, FL 34761; License No. **PA-AH 0557**; license issued March 17, 1997.

Monarch Transport, Inc., P. O. Box 2422, Aston, PA 19014-0422; License No. **PA-AH 0558**; license issued March 12, 1997.

Peoria Disposal Company, 1113 N. Swords Avenue, Peoria, IL 61604-4898; License No. **PA-AH 0556**; license issued March 12, 1997.

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

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

Defense Distribution Region East, c/o ASCE-WP Building 1-1, 2nd Floor, New Cumberland, PA 17070; License No. **PA-AH S245**; renewal license issued March 17, 1997.

J. T. Sands Corp., 3445 Adamsville Road, Zanesville, OH 43701; License No. **PA-AH 0483**; renewal license issued March 17, 1997.

Langard Corporation, 3001 South Clinton Avenue, South Plainfield, NJ 07080; License No. **PA-AH 0426**; renewal license issued March 17, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101611. Berks Transfer, Inc., (1420 Clarion Street, Reading, PA 19601). Application for operation and construction of a transfer facility site in Ontelaunee Township, **Berks County**. Permit issued in the Regional Office March 12, 1997.

**AIR POLLUTION
PLAN APPROVALS**

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

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

14-399-009E. On February 4, 1997, plan approval was issued to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the construction of three ceramic chip capacitor binder removal ovens/kilns (SRA Kilns) and associated air cleaning devices (electrically heated thermal afterburners) in Ferguson Township, **Centre County**.

8-317-006. On February 19, 1997, plan approval was issued to **Leprino Foods Company** (117 Bradford Street, South Waverly, PA 18840) for the construction of a whey drying system and associated air cleaning devices (two scrubbers and a fabric collector) in South Waverly Borough, **Bradford County**.

59-318-002. On February 11, 1997, plan approval was issued to **Westfield Tanning Co.** (360 Church St., Westfield, PA 16950) for the modification of a harness leather dyeing and treating operation in Westfield Borough, **Tioga County**.

14-310-017J. On February 27, 1997, plan approval was issued to **Glenn O. Hawbaker, Inc.** (450 East College Avenue, Bellefonte, PA 16823) for the construction of stone crushing, classifying and conveying equipment and dust handling equipment in Spring Township, **Centre County**. This equipment is subject to Subpart 000 of the Federal Standards Of Performance For New Stationary Sources.

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

01-310-034B. On March 10, 1997, the Department issued a Plan Approval to **ISP Minerals, Inc.** (P. O. Box 0, Blue Ridge Summit, PA 17214) for the modification of No. 4 Color System located at their Charmian Facility, in Hamiltonban Township, **Adams County**.

06-308-039A. On March 10, 1997, the Department issued a Plan Approval to **Baldwin Hardware Corp.** (P. O. Box 15048, Reading, PA 19612) for the construction of the No. 2 Plating Line located at their Reading Plant, in Reading, **Berks County**. The source is subject to 40 CFR 63, Subpart N, of the National Emission Standards for Hazardous Air Pollutants.

06-312-009A. On March 12, 1997, the Department issued a Plan Approval to **Scranton-Altoona Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for the modification of the bulk gasoline terminal in Sinking Spring, **Berks County**. The source is subject to 40 CFR 60, Subpart XX, Standards of Performance for New Stationary Sources.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law, (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 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).

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

Coal Applications Issued

56960111. Laura D Coal, Inc. (P. O. Box 188, Jennerstown, PA 15547), commencement, operation and restoration of a bituminous strip mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 90 acres, receiving stream unnamed tributaries to/and Stonycreek River, application received September 30, 1996, permit issued March 10, 1997.

56960107. Godin Brothers, Inc. (R. D. 3, Box 61-R, Boswell, PA 15531), commencement, operation and restoration of a bituminous strip-auger mine in Jenner Township, **Somerset County**, affecting 128.6 acres, receiving stream unnamed tributaries to/and Quemahoning Creek, application received July 31, 1996, permit issued March 13, 1997.

56910105. Permit Renewal, **Svonavec, Inc.** (140 West Union Street, Somerset, PA 15501), commencement, operation and restoration of a bituminous strip-auger mine in Milford Township, **Somerset County**, affecting 102.6 acres, receiving stream unnamed tributaries to/and Coxes Creek, application received January 24, 1997, permit issued March 13, 1997.

Bureau of District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.

03940105. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit revised to change the land use from forestland to cropland on a bituminous surface mining site located in Plumcreek Township, **Armstrong County**, affecting 94.5 acres. Receiving stream Plum Creek. Application received January 27, 1997. Revision issued February 27, 1997.

03920101R. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal issued for reclamation only of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 111.5 acres. Receiving streams Craig Run and Crooked Creek. Application received January 23, 1997. Renewal issued March 4, 1997.

65840119. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701). Permit revised to add a stream crossing at a bituminous surface mining operation located in Derry Township, **Westmoreland County**, affecting 630.3 acres. Receiving streams unnamed tributaries to Stony Run and McGee Run to the Conemaugh River. Application received January 16, 1997. Revision issued March 5, 1997.

63850109R. American Coal Company (P. O. Box 810, McMurray, PA 15317). Renewal issued for reclamation only of a bituminous surface mining operation located in Chartiers Township, **Washington County**, affecting 184.0 acres. Receiving streams unnamed tributaries to Chartiers Run. Application received November 1, 1996. Renewal issued March 6, 1997.

65950104. Dunamis Resources, Inc. (R. R. 4, Box 1542, Homer City, PA 15748). Permit issued for commencement, operation, and reclamation of a bituminous surface mining operation located in Fairfield and Ligonier Townships, **Westmoreland County**, affecting 111.5 acres. Receiving streams unnamed tributaries to Hannas Run and unnamed tributaries to Hypocrite Creek. Application received July 31, 1995. Permit issued March 7, 1997.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

03841307. Keystone Coal Mining Corporation. (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Emilie No. 4 bituminous deep mine in Plumcreek and Cowanshannock Townships, **Armstrong County** for reclamation only, no additional discharge. Permit issued March 6, 1997.

30841311. B & M Coal Company, (P. O. Box 37, Dilliner, PA 15327), to renew the permit for the B & M No. 2 bituminous deep mine in Dunkard Township, **Greene County** and to revise permit to add additional subsidence control plan acres, no additional discharge. Permit issued March 6, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54861303R2. R & D. Coal Company, (214 Vaux Avenue, Tremont, PA 17981), renewal of an existing

anthracite deep mine operation in Tremont Township, **Schuylkill County** affecting 7.8 acres, receiving stream—Rowe Tunnel Discharge. Renewal issued March 10, 1997.

54960203. Devil's Hole, Inc. (401 Route 61 South, P. O. Box 559, Schuylkill Haven, PA 17972), commencement, operation and restoration of a coal refuse reprocessing operation in Frailey Township, **Schuylkill County** affecting 16.0 acres, receiving stream—none. Permit issued March 10, 1997.

54940202. Dizenzo Coal Co. (1389 Bunting Street, Pottsville, PA 17901), commencement, operation and restoration of an anthracite coal refuse reprocessing and coal preparation facility in Branch Township, **Schuylkill County** affecting 30.3 acres, receiving stream—none. Permit issued March 12, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

4874SM2C2. Thomasville Stone and Lime Company, (P. O. Box 220, Thomasville, PA 17364), renewal of NPDES Permit #PA0123544 in Jackson Township, **York County**, receiving stream Little Conewago Creek. Renewal issued March 12, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

40950802. Harold Post, (R. R. 2, Box 2155, Shickshinny, PA 18655), commencement, operation and restoration of a small quarry operation in Ross Township, **Luzerne County** affecting 1.0 acre, receiving stream—none. Authorization granted March 10, 1997.

54960801. Russell H. Fidler, (1818 Fair Road, Schuylkill Haven, PA 17972), commencement, operation and restoration of a small quarry operation in Wayne Township, **Schuylkill County** affecting 18.0 acres, receiving stream—none. Authorization granted March 12, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits issued and Actions on 401 Certifications

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

E08-306. Encroachment. **Scott A. Brown**, R. R. 1, Box 301A, Canton, PA 17724. To construct and maintain a concrete culvert 18 feet wide by 9 feet in height by 20 feet in length in Beech Flats Creek on a private road off of SR 3007 approximately 1/2 mile north of Road's Road (Canton, PA Quadrangle N: 3.25 inches; W: 8.25 inches) in Canton Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E12-100. Encroachment. **Shippen Township Supervisors**, P. O. Box 349, Emporium, PA 15834. To remove an existing structure and to construct and maintain a road crossing across an unnamed tributary to Portage Creek. The proposed road crossing shall be constructed with a corrugated metal arch culvert that will have a rise of 6.42 feet, span of 9.50 feet and length of 46.0. The project is located along the western right-of-way of SR 1001 approximately 80.0 feet west of the intersection of T-314 and SR 1001 (Emporium, PA Quadrangle N: 4.8 inches; W: 15.2 inches) in Shippen Township, **Cameron County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-294. Water Obstruction and Encroachment. **Chris Hostetler**, R. R. 1, Box 38, Woodard, PA 16882. To remove the existing structure and to construct and maintain a 6 foot diameter CMP culvert about 20 feet long in an unnamed tributary to Pine Creek and located in a private driveway about 1.5 miles east of Aaronsburg off Bower Hill Road (Millheim, PA Quadrangle N: 2.1 inches; W: 6.0 inches) in Haines Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-296. Water Obstruction and Encroachment. **Gregg Township**, P. O. Box 181, Spring Mills, PA 16875-0158. To remove the existing structure and to construct and maintain a 48 inch diameter 22 foot long corrugated metal pipe culvert with associated endwalls in Roaring Run located on T-470 approximately 2 miles north of SR 0192 (Madisonburg, PA Quadrangle N: 5.75 inches; W: 16.75 inches) in Gregg Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-228. Encroachment. **Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove the existing structure and to construct and maintain a pre-cast concrete box culvert with a normal clear span of 10.0 feet with minimum underclearance of 8.0 feet at a 60 degree skew on Bull Run on SR 477 about 1/2 mile south

of Sugar Grove School (Loganton, PA Quadrangle N: 1.4 inches; W: 10.5 inches) in Greene Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-163. Encroachment. **H. H. Knoebel & Sons, Inc.**, P. O. Box 317, Elysburg, PA 17824. To construct and maintain an amusement ride to consist of 26 concrete piers and a 110 foot wide by 170 foot by 3.5 foot above ground irregularly shaped concrete wall in the floodway of Mugser Run located approximately 1,000 feet southeast of the vehicle bridge over Mugser Run in Knoebels Grove Amusement Park (Danville, PA Quadrangle N: 0.65 inch; W: 0.3 inch) in Cleveland Township, **Columbia County**.

E41-396. Encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a pre-cast reinforced concrete box culvert with a normal span of 10.0 feet with minimum underclearance of 5.5 feet at a 45 degree skew on Nichols Run on SR 3005, approximately 1.0 mile north of Jersey Shore (Jersey Shore, PA Quadrangle N: 17.3 inches; W: 5.2 inches) in Porter Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-204. Encroachment. **Northumberland Cnty. Commissioners**, 50 S. Second St., Sunbury, PA 17801. Remove the existing structure and to construct and maintain a reinforced concrete box culvert with a clear span of 20.0 feet and underclearance of 10.0 feet in Shamokin Creek on Vine Street 250 feet north of the intersection of SR 0054 (Mount Carmel, PA Quadrangle N: 9.0 inches; W: 6.0 inches) in Mount Carmel Borough, **Northumberland County**.

E53-296. Encroachment. **Old Lady's Home Camp #15-C-54**, 111 Green St., Malvern, PA 19355. To remove an existing structure and to construct and maintain a wooden footbridge for private access to a seasonal dwelling across Lyman Run. The proposed footbridge shall be constructed with a span of 30.0 feet, an underclearance of 7.0 feet and a rail-to-rail width of 4.0 feet that is located along the southern right-of-way of Lyman Run Road approximately 0.75 mile east of the intersection of Thompson Road and Lyman Run Road (Cherry Springs, PA Quadrangle N: 18.2 inches; W: 7.2 inches) in West Branch Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects."

E59-334. Encroachment. **Dept. of Conservation and Natural Resources**, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105-8451. To raise the existing western bridge abutment approximately 4 feet and the center pier about 2 feet to accommodate a better approach for towed vehicles in Hills Creek on Spillway Road just off Hickle Road in Hills Creek State Park (Crooked Creek, PA Quadrangle N: 9.5 inches; W: 9.6 inches) in Charlestown Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-335. Encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing structure and to construct and maintain a single span concrete plank beam bridge with a clear span of 19-foot 11-inches and underclearance of 6.0-foot over Fahnestock Run on SR 3001 approximately 1.0 mile south of the village of Leetonia (Cedar Run, PA Quadrangle N: 14.5 inches; W: 13.4 inches) in Elk Township, **Tioga**

County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E09-736. Encroachment. **Doylestown Township Municipal Authority**, 425 Wells Road, Doylestown, PA 18901. To install and maintain a concrete encased 12-inch water main which crosses 170 linear feet of Pine Run Reservoir and will extend in and along intermittent watercourses for 665 linear feet adjacent to Iron Hill Road (Doylestown, PA Quadrangle N: 11.6 inches; W: 6.9 inches), in Doylestown Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E15-523. Encroachment. **Anthony B. Dambro**, 737 Northbrook Road, Kennett Square, PA 19348-1522. To construct and maintain a stormwater management facility on an unnamed tributary to Pocopson Creek (TSF, MF) impacting approximately 0.23 acre of wetlands associated with the proposed Wickersham Subdivision located 3,000 feet northwest of the intersection of Doe Run Road and Folly Hill Road (Unionville, PA Quadrangle N: 2.0 inches; W: 8.55 inches) in East Marlborough Township, **Chester County**. The applicant will provide 0.23 acre of replacement wetlands. Issuance of this permit constitutes approval of Environmental Assessment for a nonjurisdictional earthen stormwater detention dam proposed at the project site.

E15-524. Encroachment. **North Coventry Municipal Authority**, 1485 East Schuylkill Road, Pottstown, PA 19464-0833. To expand and maintain the North Coventry Wastewater Treatment Facility within the 100-year floodplain, to place and maintain fill within the 100-year floodway, and to construct and maintain an outlet structure at this location in and along the Schuylkill River (WWF-MF). The site is located approximately 1,400 feet east of the intersection of SR 0724 and the ramp to US Route 422 (Phoenixville USGS Quadrangle N: 19.10 inches; W: 17.20 inches) in North Coventry Township, **Chester County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E11-248. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a five span bridge having a total normal clear span of 344.6 feet and a minimum underclearance of 34.5 feet across South Fork Branch of Little Conemaugh River. This permit also authorizes the placement and maintenance of fill in a de minimus area of wetlands less than or equal to 0.05 acre and the construction and maintenance of a temporary stream crossing consisting of ten 48-inch diameter CM pipes in South Fork Branch of Little Conemaugh River for the purpose of constructing the new proposed bridge. The project is located on SR 3024, Section 003, Segment 0190 Offset 0241 (Geistown, PA Quadrangle N: 18.0 inches; W: 4.8 inches) in Adams and Croyle Townships, **Cambria County**.

E65-660. Encroachment. **Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15668-1120. To remove the existing structure and to construct and

maintain a 515-foot long enclosure consisting of a 78-foot long, 60-inch diameter pipe culvert; a transition chamber; and a 437-foot long, 48-inch diameter pipe culvert in an unnamed tributary to Haymakers Run (HQ-CWF) for the purpose of constructing a public service facility. The project is located approximately 200 feet south of the intersection of Sardis Road and Crowfoot Road (Murrysville, PA Quadrangle N: 15.0 inches; W: 5.7 inches) in the Municipality of Murrysville, **Westmoreland County**.

E02-1163. Encroachment. **Richard Bendel**, 502 Walton Road, Floreffe, PA 15025. To place and maintain fill in the floodway along the right side of Lobbs Run located on the north side of Calamity Hollow Road approximately 0.5 mile northwest of SR 837 for the purpose of landscaping (Glassport, PA Quadrangle N: 2.6 inches; W: 6.2 inches) in Jefferson Borough, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1166. Encroachment. **U. S. Steel Clairton Works**, Division of USX Corporation, 400 State Street, Clairton, PA 15025. To operate and maintain the existing barge loading facility and to construct and maintain a light oil/tar barge loading facility and a 29-foot diameter ice breaker along the left bank of the Monongahela River near river mile 19.6 (Glassport, PA Quadrangle N: 10.8 inches; W: 1.0 inch) in the City of Clairton, **Allegheny County**.

E02-1175. Encroachment. **Allegheny County Dept. of Engineering & Construction**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To remove the existing bridge (David Bridge No. 1) and to construct and maintain a 10-foot x 8-foot box culvert (culvert invert depressed 1.0 foot) in Davis Run. The bridge is located on Beaver Road, approximately 100 feet northwest from the intersection of Beaver Road, McKown Street and Davis Lane (Ambridge, PA Quadrangle N: 6.2 inches; W: 6.8 inches). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E04-243. Encroachment. **Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing bridge and to construct and maintain a R. C. box culvert having a span of 16.0 feet and an effective underclearance of 6.5 feet in Little Traverse Creek. The culvert invert is to be depressed 1.5 feet. The project is located on SR 0030, at its intersection with SR 0018, Section B03, Station 405+47.13 Segment 0120 (Hookstown, PA Quadrangle N: 7.7 inches; W: 5.1 inches) in Hanover Township, **Beaver County**.

E26-233. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove the existing structures and to construct and maintain four structures in unnamed tributaries to Grassy Run (WWF) and Rubles Run (CWF-Wild Trout) on new SR 0043, Section 50B (Mon-Fayette Expressway) at various stations and on existing SR 3002 (Gans Road) at various stations; and to construct and maintain various channel relocations as per attached list. The project includes placement and maintenance of fill in a total of 0.33 acre of wetlands. The wetlands will be replaced under Permit No. E26-217. The project is located off SR 0857 (Lake Lynn, PA-WV Quadrangle N: 21.55 inches; W: 8.6 inches) in Springhill Township, **Fayette County**.

E30-167. Encroachment. **Greene County Commissioners**, Greene County Office Building, Waynesburg, PA 15370. To remove the existing structure and to construct

and maintain a 45-foot long 18-foot × 6-foot concrete box culvert (depressed 1 foot) in Tustin Run on T-724 located just upstream of the confluence of said stream with Hoovers Run (Holbrook, PA Quadrangle N: 4.7 inches; W: 3.5 inches in Wayne Township, **Greene County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E30-174. Encroachment. **Greene County Board of Commissioners**, Greene County Office Building, 93 East High Street, Waynesburg, PA 15370. To remove the existing structure (County Bridge No. 25) and to construct and maintain a single span bridge having a normal clear span of 121.75 feet with an underclearance of 13.9 feet across South Fork Tenmile Creek (WWF) located on T-555 at a point approximately 1,400 feet upstream of confluence of Ruff Creek with said stream and to construct and maintain a temporary road crossing consisting of twenty one 36-inch pipe culverts as part of bridge construction (Mather, PA Quadrangle N: 7.35 inches; W: 15.50 inches) in Morgan and Jefferson Townships, **Greene County**.

E30-175. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a new bridge having a normal span of 34.90 feet with an underclearance of 8.92 feet across Ruff Creek. The bridge is located on SR 0019, Segment 0450, Offset 2475, just northwest from the intersection of Washington Street and SR 0019 (Waynesburg, PA Quadrangle N: 15.2 inches; W: 7.2 inches) in Washington Township, **Greene County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E32-380. Encroachment. **Pine Township**, R. R. 2, Box 104-D, Barnesboro, PA 15714. To remove the existing structure and to construct and maintain a 71-inch × 47-inch elliptical in Yellow Creek with its invert depressed 6 inches below the streambed. The project is located on Tower Hill Road (TR-581) (Commodore, PA Quadrangle N: 0.9 inch; W: 3.6 inches) in Pine Township, **Indiana County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E32-382. Encroachment. **Department of Transportation**, P. O. Box 429, Route 286 South, Indiana, PA 15701. To remove the existing bridge (Arcadia Bridge) and to construct and maintain a twin cell box culvert, each culvert having a span of 14.0 feet with an underclearance of 9.0 feet (culvert depressed 1.0 foot) in Cush Creek (CWF), to place and maintain fill in approximately 0.098 acre of wetlands and to stabilize approximately 0.6054 acre of abandoned mine spoil in lieu of wetland replacement on the right bank of said stream. The project is located on SR 286, section 491, approximately 6,340 feet southeast of the intersection of SR 286 and T-936 (Burnside, PA Quadrangle N: 8.4 inches; W: 14.0 inches) in Montgomery Township, **Indiana County**.

E63-413. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To remove existing structures, to place and maintain fill in 0.25 acre of wetland, to relocate and maintain two tributaries to Maple Creek for a distance of approximately 854 feet, to construct and maintain a 42-inch RCP pipe approximately 1,225 feet long in a tributary to Maple Creek, to relocate and maintain six tributaries to Taylors Run for a distance of approximately 2,730 feet, to construct and maintain two culverts in a tributary to Taylors Run, one will be a

66-inch RCP pipe approximately 900 feet long and the other will be a 84-inch RCP pipe approximately 234 feet long, for the purpose of constructing the proposed Mon/Fayette Expressway (SR 0043), Construction Section 52C1 consisting of a 4-lane, limited access, divided toll highway. This construction section begins approximately 900 feet north of SR 2016 and ends approximately 900 feet south of SR 1020 (Monongahela, PA Quadrangle, project starts at N: 1.2 inches; W: 6.8 inches; project ends N: 7.5 inches; W: 8.4 inches) in Fallowfield Township, **Washington County**. The wetland replacement was approved under PA DEP Permit No. E02-1132.

E63-418. Encroachment. **Crown American Properties, L. P.**, Pasquerilla Plaza, Johnstown, PA 15907. To place and maintain fill in approximately 0.22 acre of wetlands. The project is also to remove an existing 24-inch diameter outfall structure and to construct and maintain two 48-inch diameter outfall structures along the left bank of Chartiers Creek. The project purpose is to expand the Franklin Mall. The project is located just south from the intersection of Interstate Route 70 and US Route 40 (Washington West, PA Quadrangle N: 6.2 inches; W: 3.8 inches) in North Franklin Township, **Washington County**.

E63-419. Encroachment. **John P. Zipko and Joseph R. Zipko**, 729 Berry Road, Washington, PA 15301. To operate and maintain an existing single span bridge having a normal span of 19 feet and a minimal underclearance of 5.6 feet across a tributary to Chartiers Creek, to provide access to pasture fields. The bridge is located adjacent to Manifold Road and Berry Road (Old Man Manifold Road) (Washington East, PA Quadrangle N: 13.7 inches; W: 13.8 inches) in South Strabane Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E63-421. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain a 1,000 foot long, dual 4-span steel bridge with a minimum underclearance of 200 feet across Maple Creek, to relocate and maintain 350 feet of stream channel of a tributary to the South Branch Maple Creek, to place and maintain fill in 0.02 acre of wetland, to construct and maintain a temporary stream crossing in Maple Creek, to construct and maintain two outfalls structures to Maple Creek and to construct non-jurisdictional dam in a tributary to South Branch Maple Creek, for the purpose of constructing the Mon-Fayette Expressway; Construction Section 52B2. The wetlands will be replaced under Permit No. E02-1132. The project is located off SR 2016 approximately 1.5 miles west of the town of Charleroi (project starts California, PA Quadrangle N: 21.0 inches; W: 6.78 inches; the project ends at Monongahela, PA Quadrangle N: 1.59 inches; W: 6.72 inches) in Fallowfield Township, **Washington County**.

E63-422. Encroachment. **James and John Makrinos**, 269 Valley Road, Eighty Four, PA 15330. To construct and maintain a bridge having a span of 22 feet with an underclearance of 8 feet across an unnamed tributary to Peters Creek (TSF) to provide access to applicants' property. The project is located on the west side of Bebout Road and Venetia Road (Bridgeville, PA Quadrangle N: 0.1 inch; W: 6.2 inches) in Peters Township, **Washington County**.

E65-643. Encroachment. **Matthew and Lorraine Canestrone**, P. O. Box 234, Belle Vernon, PA 15012. To construct and maintain 1,500 linear feet of 80-inch RCP in Speers Run for the purpose of supporting a proposed

commercial business development located adjacent to SR 3009 (Donora, PA Quadrangle N: 3.9 inches; W: 13.7 inches) in Rostraver Township, **Westmoreland County**.

E65-658. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 26.0 feet and an underclearance of 5.6 feet across Crabtree Creek located on SR 1055, Section A11, approximately 0.75 mile west of the intersection of SR 1055 with US Route 119 (Greensburg, PA Quadrangle N: 18.45 inches; W: 0.70 inch) in Hempfield and Salem Townships, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-655. Encroachment. **Davison Sand & Gravel Company**, 400 Industrial Boulevard, New Kensington, PA 15068. To maintain an existing 98-foot long river wall along the left bank of the Allegheny River, to construct and maintain a 115-foot long extension to said wall and to dredge approximately 400 cubic yards of material from the river for the purpose of expanding/improving the existing unloading facility located approximately at Mile Marker 18.0 (New Kensington, PA Quadrangle N: 9.3 inches; W: 1.9 inches) in the City of Lower Burrell, **Westmoreland County**.

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

E13-098. Encroachment. **Michael R. Gremling**, 2935 Forest Street, Lehigh, PA 18235. To construct and maintain a single span bridge, having a span of 15 feet with an underclearance of 5 feet across an unnamed tributary to White Oak Run for a private residential stream crossing. The project is located approximately 0.3 mile northeast of the intersection of T419 and T468 (Pohopoco, PA Quadrangle N: 3.9 inches; W: 16.0 inches) in Towamensing Township, **Carbon County**.

E35-272. Encroachment. **James Carter**, 1216 Birch Street, Scranton, PA 18505. To place fill in a manmade pond with a surface area of 0.17 acre and to fill approximately 190 linear feet of an auxiliary channel in the floodway of west branch Wallenpaupack Creek. The purpose of the project is to eliminate the pond and auxiliary channel to protect an existing residence from flooding. The project is located 0.1 mile southeast of T399 and west branch Wallenpaupack Creek (Lake Ariel, PA Quadrangle N: 10.2 inches; W: 13.8 inches) in Jefferson Township, **Lackawanna County**.

E39-296. Encroachment. **Keith Rex**, 6939 Mosserville Road, New Tripoli, PA 18066. To excavate and place fill in 0.44 acre of wetlands for the construction of a wildlife enhancement/fire protection pond. The project is located on the west side of S. R. 4024 approximately 0.1 mile south of the intersection of S. R. 4024 and T-755 (New Tripoli, PA Quadrangle N: 13.9 inches; W: 2.2 inches), in Lynn Township, **Lehigh County**. This permit is also approval of the environmental assessment for the construction of a nonjurisdictional dam. The permittee is required to provide 0.44 acre of recent wetlands; 0.15 acre will be replaced onsite and 0.29 acre will be replaced by participation in the Pennsylvania Wetland Replacement Project.

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

E67-576. Encroachment. **LBS Development Corporation**, Patrick Stambaugh, 30 Ram Drive, Hanover, PA 17331. To permit a previously unpermitted 0.047 acre wetland fill located north of Timber Lane immediately east of Mountain Ash Drive in the timberland II residential development (Hanover, PA Quadrangle N: 7.0 inches; W: 10.4 inches) in Penn Township, **York County**. The permittee is required to construct 0.094 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

[Pa.B. Doc. No. 97-482. Filed for public inspection March 28, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the non-regulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996, edition of the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. This edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Basic Inventory.

Bound paper copies of the Inventory are available now for those who do not have access to the Web site. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Help Protect the Environment: Use the Web and Save Trees

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's

UPDATE and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web site onto their computers and read them electronically. This method saves both paper and money.

Ordering Paper Copies of DEP Technical Guidance

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet. Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling Elwyn, Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5826 if calling from outside Pennsylvania. Elwyn's fax number is (610) 497-5932.

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

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

Persons who have any questions or comments 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 about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance

DEP ID: 563-2504-451. Title: Bonding, Anthracite Underground Mines. Description: This guidance documents the procedures DEP applies for bonding anthracite underground mines. Effective Date: July 27, 1994. Page Length: 2 pages. Location: Volume 12, Tab 69. Contact: Harold Miller at (717) 783-8845.

Draft Technical Guidance

DEP ID: 391-3200-009. Title: Pennsylvania's Ground Water Quality Monitoring Network: Ambient and Fixed Station Network (FSN) Monitoring Programs. Background: This document is a revision and combination of the following two documents: *Guidance for Ambient Ground Water Quality Surveys* and *Guidance for Establishing Fixed Station Monitoring Networks*. This document updates the procedures and approaches of the ground water quality monitoring program while providing for more flexibility for the regional water management programs. Deadline for Submittal of Comments: April 30, 1997. Contact: James Ulanoski at (717) 787-9637.

DEP ID: 562-2112-315 BMR PGM 1:03:15. Title: Prompt Closure of Abandoned Underground Mine Openings. Background: This policy guidance is to be used by DEP staff for notifying mine operators of their responsibility to secure and seal mine openings and taking prompt enforcement against those operators who refuse to

perform the required mine closure work. The policy document will also address instances where DEP is forced to perform the closure work and subsequently moves to recover expended funds. Deadline for Submittal of Comments: April 15, 1997. Contact: Thomas Callaghan at (717) 783-8845.

DEP ID: 700-5600-001. Title: Guidance for Pollution Prevention and Energy Efficiency Site Visits. Background: DEP will provide, upon request, multimedia pollution prevention energy efficiency site visits to the regulated community. This effort is an initiative of the Office of Pollution Prevention and Compliance Assistance. Deadline for Submittal of Comments: April 30, 1997. Contact: Robert Zaccano at (717) 657-4121 for questions. Contact: Barbara Yuricich at (717) 783-9981 for a copy of the draft.

Notice of Intent to Rescind Technical Guidance

DEP ID: 361-3200-014. Title: Guidance for Establishing Fixed Station Monitoring Networks. Reason for Rescission: This document is being revised and combined into 391-3200-009 (see above under *Draft Technical Guidance*). Contact: James Ulanoski at (717) 787-9637.

Notice of Intent to Revise Technical Guidance

DEP ID: 364-5511-003. Title: Wage Rate Determinations/Water Pollution Control Revolving Projects. Background: This policy is a guide for DEP staff in determining, requesting and then providing the appropriate Federal U. S. Labor Department Wage determinations applicable to projects being constructed with funds from Pennsylvania's Water Pollution Control Revolving Fund (WPCRF) authorized and capitalized with Federal funds under Title VI of the Federal Clean Water Act. This policy lacks clarity in some sections. It also needs to meet DEP's standard format requirements. Anticipated Effective Date: August 1997. Contact: Bob Gibson at (717) 787-3481.

DEP ID: 364-5511-009. Title: Recreation and Open Space Opportunities—PENNVEST Funded Projects. Background: This document describes the roles and responsibilities of DEP staff and the project sponsor in the planning process. This document needs to be amended to address revisions to PENNVEST regulations (Chapters 963 and 965) and revised to meet DEP's standard format requirements. Anticipated Effective Date: August 1997. Contact: Bob Gibson at (717) 787-3481.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-483. Filed for public inspection March 28, 1997, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Disproportionate Share Payment

The purpose of this announcement is to provide prior public notice of the Department of Public Welfare's (Department) intent to establish a one time only disproportionate share payment. This change is effective April 1, 1997, through June 30, 1997.

The Department intends to make this payment, in addition to the classes of payment already provided under the Medical Assistance Program to certain hospitals,

which render uncompensated care and which the Department has determined would experience significant revenue loss as a result of recent Medical Assistance Program revisions under Act No. 1996-35.

The Department intends to consider a hospital eligible if:

- based on the Department's determination of GA/MNO eligibility discontinuation, the hospital's annual net patient revenue loss exceeds \$3.2 million and the hospital receives less than \$1.8 million in annual direct medical education payments; or
- based on the Department's determination of GA/MNO eligibility discontinuation, the hospital's annual net patient revenue loss exceeds \$3.2 million, the hospital receives annual direct medical education payments of over \$1.8 million and the hospital's loss of total annual Medical Assistance revenue is less than 15%; or
- based on the Department's determination of GA/MNO eligibility discontinuation, the hospital's annual net patient revenue loss exceeds \$2.5 million with a percentage loss of net patient revenue exceeding 6%; or
- the hospital is eligible for disproportionate share as a rural hospital as defined under the Department's disproportionate share payment policy.

The Department intends to allocate \$10 million from the State General Fund for this additional class of disproportionate share payment. The payment will be made to qualifying hospitals based on their percentage of discontinued revenue to the total discontinued revenue of all qualifying hospitals. All payment limitations are still applicable, namely that the Commonwealth may not exceed its aggregate annual disproportionate share allotment, and that no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

Fiscal Impact

For Fiscal Year 1996-97, the fiscal impact as a result of the disproportionate share payment will be \$21.2 million in total funds (\$10 million in State General funds and \$11.2 million in Federal funds).

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-141. (1) General Fund; (2) Implementing Year 1996-97 is \$10,000,000; (3) 1st Succeeding Year 1997-98 is \$-0-; 2nd Succeeding Year 1998-99 is \$-0-; 3rd Succeeding Year 1999-00 is \$-0-; 4th Succeeding Year 2000-01 is \$-0-; 5th Succeeding Year 2001-02 is \$-0-; (4) FY 1995-96 is \$452,180,000; FY 1994-95 is \$551,811,000; FY 1993-94 is \$681,793,000; (7) Medical Assistance-Inpatient; (8) recommends adoption. This notice announces that the Department of Public Welfare will establish a Community Access Pool (CAP) to provide payments to certain hospitals that were adversely af-

ected by the recent Medical Assistance Program revisions. The increased costs outlined above have been included in the current budget.

[Pa.B. Doc. No. 97-484. Filed for public inspection March 28, 1997, 9:00 a.m.]

Discontinuance of the Mandatory Second Opinion Program (SOP); Notice of Rule Change

The Department of Public Welfare announces that effective March 15, 1997, recipients will no longer be required to obtain a mandatory second opinion for the sixteen major procedure categories established under this program. This Rule Change will be adopted by final rulemaking to 55 Pa. Code §§ 1150.2, 1150.59, and 1150.60, relating to the second opinion program.

The Department's contract with Keystone Health Plan West (KHPW) to administer the second opinion program will be terminated effective April 30, 1997. Therefore, all second opinions obtained through KHPW must be completed by April 30, 1997.

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

This Rule Change is made under the Joint Committee on Documents Resolution 1996-1 (3) 26, No. 20, Pa.B. 2374 and will be in effect for 365 days pending adoption of final rulemaking by the Department.

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

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (voice users). If you require another alternative format, contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Purpose

The purpose of this notice is to provide notification of the discontinuance of the mandatory Second Opinion Program (SOP). Effective March 15, 1997, recipients will no longer be required to obtain a mandatory second opinion for the surgical procedures established under this program.

Scope

This notice applies to all acute care hospitals, short procedure units, free-standing ambulatory surgical centers, rural health clinics, physicians, dentists, and podiatrists enrolled in the Medical Assistance Program.

Background/Discussion

Since March 1, 1989, the Department has required medical assistance recipients to obtain a mandatory second opinion for sixteen major procedure categories. These procedures include:

Bunionectomy
Cataract surgery, except congenital
Coronary angioplasty
Hip replacement
Knee surgery
Myringotomy with tubes
Spinal and vertebral surgery

Tonsillectomy with or without adenoidectomy
 Carotid endarterectomy
 Coronary artery bypass
 Hemorrhoidectomy
 Hysterectomy
 Mastectomy
 Prostatectomy
 Submucous resection
 Varicose vein stripping

The Department's contract with Keystone Health Plan West (KHPW) to administer the SOP terminates on April 30, 1997. Therefore, all second opinions obtained through KHPW must be completed by April 30, 1997.

Procedure

The Department encourages recipients to seek second opinions to obtain additional information regarding treatment options. Fee-for-service recipients may elect to seek a voluntary second opinion by referral from their primary care physician or by locating a provider through their own initiative. Recipients can request aid in locating a physician to provide a second opinion from their local county assistance office or local hospital physician referral service. Recipients enrolled in a managed care plan should discuss this option with their assigned primary care physician or health maintenance organization member services representative.

Policy

Effective May 1, 1997, Chapter 1150 (Medical Assistance Program Payment Policies) will be amended as follows:

§ 1150.2. Definitions.

* * * * *

[SECOND OPINION PROGRAM—A process through which MA recipients receive the opinion of a second practitioner when there is a question as to the medical necessity or appropriateness of a procedure or if the procedure appears on the Department's list of procedures that automatically requires a second opinion as published as a statement of policy in the *Pennsylvania Bulletin*.]

* * * * *

§ 1150.59. PSR Program.

* * * * *

(g) Within 3 working days of receiving a place of service review request, the Department will do one of the following:

- (1) Certify the request.
- (2) Ask for additional information in order to certify the request as specified under subsection (h).

[(3) Request a second opinion as specified under subsection (i).]

(h) If the Department requests additional information under subsection (g), the provider will have 14 days to provide the Department with the information to have the PSR process completed. If the requested information is not received by the Department within 14 days, the provider shall reapply for certification.

[(i) Before the certification of PSR is completed, a second opinion shall be obtained if one of the following conditions exist:

(1) The procedure is on the mandatory second opinion list published by the Department.

(2) After review, the Department's physician questions the medical necessity of performing the procedure.

(j) If a second opinion is required under § 1150.60(a) (relating to second opinion program) a practitioner or facility may not request a PSR until he has documentation available, as specified in the provider handbook, that the recipient has obtained a second opinion.]

(i) [(k)] To be eligible for payment for an admission or procedure to a PSR, a facility or practitioner shall comply with the instructions in the provider handbook. Failure to comply with PSR procedures [and applicable second opinion procedures in § 1159.60 (relating to second opinion program)] in § 1150.59 will result in a payment equal to 50% of the MA approved reimbursement amount for services provided by the admitting practitioner and facility.

* * * * *

§ 1151.60. **[Second opinion program.] Reserved.**

[(a) Except as specified in subsection (h), a practitioner is required to refer a recipient to the Department to arrange an appointment for a second opinion when the proposed procedure is one that automatically requires a second opinion.

(b) The Department will publish a statement of policy to be codified at § 1150.60(a) (relating to second opinion consultation—statement of policy) listing the procedures which automatically require a second opinion. Revisions or updates to this list will also be published as a statement of policy in the *Pennsylvania Bulletin*.

(c) The Department may require a recipient to obtain a second opinion if the Department's physicians question the medical necessity of performing the procedure through the PSR Program under § 1150.59 (relating to PSR Program).

(d) The Department will provide the recipient with the names of practitioners within the recipient's vicinity who are approved to provide a second opinion. The Department will arrange an appointment with the practitioner the recipient chooses. The arrangement for the appointment will be completed no later than 6 working days after the request by the recipient or the recipient's agent.

(e) After the recipient obtains a second opinion, the final decision on whether or not to have the procedure performed will be made by the recipient, even if the second opinion is contrary to the opinion of the attending practitioner. If the recipient decides to undergo the procedure, the Department will make payment in accordance with the Department's applicable payment regulations.

(f) If the recipient fails to obtain a second opinion required in subsection (a) or subsection (c), the Department will not precertify the admission.

(g) A second opinion is not required if one of the following conditions applies:

- (1) The procedure is documented in the recipient's medical record as an emergency or urgent**

admission by the attending practitioner and that immediate or prompt surgery is medically indicated.

(2) The patient is enrolled in a comprehensive health services plan or a capitated physician case management program.

(3) The patient is also covered by another health insurance and has obtained a second opinion under that program for the procedure for which MA coverage is sought.

(4) Another health insurance is expected to make payment for the service and MA is not expected to make an additional payment.

(5) The patient was not eligible for MA at the time the procedure was performed but subsequently became eligible.

(6) The Department has approved the admission of a recipient to a hospital and during the hospital stay it is determined that the recipient needs a surgical procedure that would otherwise require a second opinion under subsection (a) or (c).

(h) The Department will grant a waiver of the second opinion requirement specified in subsection (a) if the Department determines that one of the following applies:

(1) No qualified practitioner is available to give a second opinion.

(2) The recipient would have to travel more than 50 miles to obtain a second opinion.

(3) The recipient's medical condition is such that the travel to obtain a second opinion would result in a medical hardship for the recipient, such as when the recipient's medical condition confines the recipient to his home environment.]

Fiscal Note: 14-NRC-070. No fiscal impact; (8) recommends adoption. This regulatory action provides public notice that, effective March 15, 1997, Medical Assistance recipients will no longer need to obtain a mandatory second opinion for 16 major surgical procedures. Discontinuance of the contract costs associated with the program is expected to produce savings in the Medical Assistance-Inpatient Appropriation of \$1,398,000 annually beginning in fiscal year 1997-98.

[Pa.B. Doc. No. 97-485. Filed for public inspection March 28, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations; Addendum and Revision

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under the authority of section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 26 Pa.B. 6225 (December 28, 1996), a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

New Appointment

As an addendum to the listing of approved Official Electronic Device Testing Stations for radar devices which may only be used by members of the Pennsylvania State Police, published at 26 Pa.B. 6225 (December 28, 1996), the Department hereby appoints the following station:

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511— (Appointed: 01/27/97, Station R2).

Comments, suggestions or questions may be directed to John Munafo, Manager, Inspection Field Operations, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 26 Pa.B. 6225 (December 28, 1996) and 27 Pa.B. 1206 (March 8, 1997).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-486. Filed for public inspection March 28, 1997, 9:00 a.m.]

Bureau of Motor Vehicles; International Registration Plan

The Department of Transportation, Bureau of Motor Vehicles, under the authority of sections 6142 and 6145 of the Vehicle Code (75 Pa.C.S. §§ 6142 and 6145) is giving notice that the Commonwealth of Pennsylvania continues to be a member of the International Registration Plan which provides for the proportional registration of fleet vehicles in all member jurisdictions in which they are driven.

The International Registration Plan is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of fleet miles operated in various jurisdictions.

The unique feature of this Plan is that apportioned registration fees are paid to the various jurisdictions in which fleet vehicles are operated; however, only one registration plate and one registration card is issued for each fleet vehicle when registered under the Plan. A fleet vehicle is known as an "apportionable vehicle" and such vehicle, as far as registration is concerned, may be operated both interjurisdictionally and intrajurisdictionally.

By definition, an apportionable vehicle is any vehicle used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for hire or is designed, used or maintained primarily for the transportation of property, and (1) is a power unit having a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds, (2) is a power unit having three or more axles, regardless of weight or (3) is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight. An apportionable vehicle does not include recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties and government owned vehicles.

Vehicles or combinations having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles and buses used in transportation of chartered parties, may be proportionally registered at the option of the registrant.

Since June 1983, when Pennsylvania began apportioning vehicles under the International Registration Plan consistent with the notice published at 12 Pa.B. 4315 (December 18, 1982), additional states have been approved for entry into the Plan.

The newest members of the Plan are the states of New Jersey and Rhode Island with an effective date of September 1, 1996. The District of Columbia will also become a member of the Plan effective April 1, 1997. Pennsylvania will list New Jersey, Rhode Island, and the District of Columbia on registration credentials beginning June 1, 1997.

Under the International Registration Plan, which supersedes all previous registration agreements with the participating states, the Commonwealth therefore has proportional registration with the following jurisdictions:

Alabama
 Arizona
 Arkansas
 California
 Connecticut
 Delaware
 Florida
 Georgia
 Idaho
 Illinois
 Indiana
 Iowa
 Kansas
 Kentucky
 Louisiana
 Maine
 Maryland
 Massachusetts
 Michigan
 Minnesota
 Mississippi
 Missouri
 Montana
 Nebraska
 Nevada
 New Hampshire
 New Jersey
 New Mexico
 New York
 North Carolina
 North Dakota
 Ohio
 Oklahoma
 Oregon
 Rhode Island
 South Carolina
 South Dakota
 Tennessee
 Texas
 Utah
 Vermont
 Virginia
 Washington
 West Virginia
 Wisconsin
 Wyoming

The Province of Alberta, Canada; the Province of Columbia, Canada; and the Province of Saskatchewan, Canada are also members.

Because of the length and expense of publishing the full text of the International Registration Plan, a copy of the Plan has not been published with this notice. Interested persons, however, may obtain a copy of the International Registration Plan from Thomas Zamboni, Manager, Commercial Registration, Bureau of Motor Vehicles, P. O. Box 68285, Harrisburg, PA 17106, (717) 787-3864. The Department may impose a fee to cover its costs in forwarding the Plan. Questions, comments or suggestions regarding the Plan may also be submitted to Thomas Zamboni.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-487. Filed for public inspection March 28, 1997, 9:00 a.m.]

Retention of Engineering Firms

Allegheny and Washington Counties Project Reference No. 08430AG2062

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

1. S. R. 0079, Sections A04 and X10, Allegheny and Washington Counties Local Name: I-79, Southpointe to Bridgeville. This project involves reconstructing approximately 3.25 miles of I-79 from Southpointe to Bridgeville. Included in this project is bridge preservation and replacement, updating of drainage, guiderail and signs and roadway construction.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, RPS concrete, asphalt paving, drainage, guiderail, signing, structural steel painting and containment and climbing.

b. Understanding of Department's requirements, policies and specifications.

c. Past performance.

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

e. Number of available inspectors in each payroll classification.

f. Workload.

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

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the

following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

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

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

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI-Materials)	\$34.52
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

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

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

The firm selected will be required to supply the approximate number of the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauges/License—at point of need when needed
- 1 Base Radio Station
- 10 Two-way Radios
- 1 Camera (type Date Base)

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-1 and TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	2
TCI-M	2
TCI	8

The lead inspector's name, classification and years in classification must also be shown. CDS experience must be highlighted.

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Henry Nutbrown, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. Attention: Richard Curry.

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

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

**Huntingdon County
Project Reference No. 08430AG2063**

The Department of Transportation will retain an engineering firm to perform final design, consultation during construction and shop drawing reviews for S. R. 6022, Section 005, from the intersection with S. R. 453 at Water Street to a point approximately 2.5 miles west of the intersection in Huntingdon County. The estimated construction cost is \$7.5 million.

The selected firm will be required to provide the following engineering services: Step 9 submission and field view; Hydrologic and Hydraulic report; preliminary and final type, size and location studies; field surveys; soils and geological reconnaissance; utility coordination; structure and roadway borings; structure design and plans; roadway design and plans; right-of-way plan; maintenance and protection of traffic plans; erosion and sedimentation control plan; signing and pavement marking plan; pavement design; coordination with property owners and local officials; preparation of construction plans, specifications and estimates.

Letters of interest will be evaluated at the Engineering District 9-0 office with emphasis on the following factors:

- Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- Experience of employees to be associated with this project. Of particular importance are the key people assigned to the project including their experience and past record of performance with similar projects.
- Overall current workload of the firm.
- Past performance record with respect to cost control, work quality and ability to meet schedules.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for May 7, 1997, at 10 a.m. at Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 201 Cayuga Avenue, Altoona, PA 16602.

Technical questions concerning the requirements for this project should be directed to David L. Sherman, P.E., District 9-0, at (814) 940-5198.

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

Blair County Project Reference No. 08430AG2064

The Department of Transportation will retain an engineering firm to perform final design, consultation during construction and shop drawing reviews, for a 6,000 ft. section of S. R. 4013, Section 001, Chestnut Avenue, from the intersection with Fourth Street in Altoona to the intersection with Fourth Street in the Juniata section of Altoona, Blair County. The estimated construction cost is \$6.4 million.

The selected firm will be required to provide the following engineering services: Step 9 submission and field view; Hydrologic and Hydraulic report; preliminary and final type, size and location studies; field surveys; soils and geological reconnaissance; utility coordination; structure and roadway borings; structure design and plans; roadway design and plans; right-of-way plan; maintenance and protection of traffic plans; street lighting plan; erosion and sedimentation control plan; signing and pavement marking plan; pavement design; coordination

with property owners and local officials; preparation of construction plans, specifications and estimates.

Letters of interest will be evaluated at the Engineering District 9-0 office with emphasis on the following factors:

- Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- Experience of employees to be associated with this project. Of particular importance are the key people assigned to the project including their experience and past record of performance with similar projects.
- Overall current workload of the firm.
- Past performance record with respect to cost control, work quality and ability to meet schedules.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for May 7, 1997, at 10 a.m. at Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 01 Cayuga Avenue, Altoona, PA 16602.

Technical questions concerning the requirements for this project should be directed to David L. Sherman, P.E., District 9-0 at (814) 940-5198.

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

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and 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 Charles W. Allwein, P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth 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 corporation 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 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 prime responding to the project advertisement.

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

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include 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 must indicate in the body of their transmittal letter 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.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must 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 should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

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.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, 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.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names 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 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)

This page must show 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 Account 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 one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements 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. 97-488. Filed for public inspection March 28, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Keystone Cement Company v. DEP; EHB Doc. No. 95-151-MG

The Department of Environmental Protection (Department), and Keystone Cement Company (Keystone) have agreed to a second partial settlement of the above-captioned matter regarding its two cement kilns located in East Allen Township, Northampton County. The first partial settlement was published in the *Pennsylvania Bulletin* on June 29, 1996.

The Department had issued Air Quality Operating Permits (1995 Permits) to Keystone on June 19, 1995 authorizing Keystone to operate the cement kilns in accordance with the waste fuel feed rates, emission limitations, monitoring requirements and other conditions set forth in the Permits. Keystone filed a timely appeal challenging various permit conditions, including the requirement to perform a risk assessment.

The parties have agreed to a second partial settlement, the major provisions of which include (in summary form) the following:

1. Keystone will complete a multipath risk assessment in accordance with the Department approved Protocol and the Department's Risk Assessment Guidelines for Facilities Burning Hazardous Waste and submit the complete risk assessment report to the Department within 120 days of EHB approval of the settlement.

2. The Department will evaluate the risk assessment and any additional information submitted by Keystone within 120 days of receipt. If Keystone's risk assessment and report meet the standards established in Paragraph 1 above and Keystone's risk assessment shows that the

combined risks through all relevant pathways identified in the Protocol due to total emissions from Keystone's facility do not exceed the acceptable target levels established by the United States Environmental Protection Agency (EPA), the Department will go forward with public notice, review and comment on the risk assessment.

3. Concurrent with its submittal of the risk assessment to the Department, Keystone may submit applications for modifications to its 1995 Permits to increase its hazardous waste fuel feed rate from 50% to 75% of the total heat input, for each kiln. If the Department receives such applications timely and if Keystone's risk assessment meets the standards established in Paragraph 1 above and shows that total emissions would not exceed the levels set forth in Paragraph 2 above, the Department will draft amendments to the 1995 Permits showing a hazardous waste fuel feed rate of 75% of the total heat input for each kiln, and proceed with public notice, review and comment on the draft amendments simultaneously and concurrently with the public notice, review and comment on the risk assessment. The Department will act on such applications within 60 days of the close of the public comment period.

4. Public notice, review and comment on the risk assessment and applications for modification to the 1995 Permits will consist of the following: (i) Within 10 days of receipt of the risk assessment report, the Department will prepare a notice for publication in the *Pennsylvania Bulletin* that the risk assessment is available for public review and comment; (ii) within 120 days of receipt of the risk assessment report and applications for permit modification, the Department will prepare for publication by Keystone in a newspaper of general circulation and by the Department in the *Pennsylvania Bulletin* notice setting forth the date of a public hearing and the procedure for public review and comment on the risk assessment and proposed permit modifications; (iii) the Department will hold a public hearing on the risk assessment and proposed permit modifications within 45 days of publication of notice in the *Pennsylvania Bulletin*; receipt of the risk assessment and applications; and (iv) the Department will allow a 30 day comment period following the public hearing.

5. This appeal will be stayed during the procedures set forth above. The appeal will be discontinued 30 days after the Department acts on Keystone's applications for permit modifications.

Copies of the full agreement are in the hands of:

Barbara L. Smith, Assistant Counsel, Office of Chief Counsel, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

Howard J. Wein, Esquire, Klett, Lieber, Rooney & Schorling, One Oxford Centre, 40th Floor, Pittsburgh, PA 15219-6498, (412) 392-2160;

and at the Offices of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at

(717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement, if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-489. Filed for public inspection March 28, 1997, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Application of APR-DRG Grouper Software

Under Act 89 of 1986, as amended by Act 34 of 1993, the Council is required to "collect and disseminate data reflecting provider quality and provider service effectiveness . . . and to continuously study quality of care systems." (Sec. 5(d)(4))

The Council, through regulation, adopted the Pennsylvania Uniform Claim and Billing Form (currently PA-UB92) under Sec. 6(b) and (c). Included in the PA-UB92 is data element 21 (provider service effectiveness and provider quality) which is currently captured by mandating the use of the MediQual™ system to supply these quality indicators.

Our act also requires that, under most circumstances, the release of data, whether in report or "raw data" format, include these measures.

In carrying out its duties to "continuously study quality of care systems," the Council has obtained from 3M their APR-DRG™ Grouper software, which offers an alternative measurement for provider quality and provider service effectiveness based upon the currently collected PA-UB92 administrative dataset.

The Council intends to apply the APR-DRG Grouper to all patient level in-hospital admissions data starting with January 1, 1996 discharges and to add the APR-DRG "severity of illness" indicator and "risk of mortality" indicator to its internal database for the purpose of evaluating the effectiveness of these measures.

In order to encourage additional evaluation, the Council intends to add these data elements to its publicly releasable datasets as additions to, and not in substitution for, the required MediQual data elements. This proposed addition requires no further data to be collected or supplied by the data source.

Under section 6(e) of the act, which outlines the process the Council must follow in adding data elements, the Council hereby gives notice that it proposes to add two additional fields to both its internal and its publicly releasable databases, using the 3M APR-DRG™ Grouper; a "severity of illness" indicator and a "risk of mortality" indicator (measured as values between 1—4) as supplemental data elements to be used to measure provider service effectiveness and provider quality for Pennsylvania Uniform Claims and Billing data element 21 (Section

6(c)(21)), beginning with January 1, 1996 in-hospital discharges and continuing through December 31, 1996 discharges.

The Council has obtained and attached a cost benefit analysis indicating that these additions will have no additional cost to data sources, and minimal additional cost to Council.

The Council proposes to include these additional data elements with its public release of its First Quarter 1996 database.

A cost benefit analysis was conducted by the Council to determine what additional costs to the data sources or to the Council would be associated with utilizing the 3M APR-DRG™ software and adding the APR-DRG severity of illness indicator and the risk of mortality indicator (as measures of provider service effectiveness and provider quality). The following represents the results of this analysis:

1. The Council has contracted with 3M to license the APR-DRG software application at no cost to the Council. The current license runs for 1 year and may be extended by the agreement of both parties;

2. The data sources are already required to collect these data elements which are submitted to the Council and are necessary for the 3M software (all standard PA-UB92 data elements). There is no additional cost to the data sources involved in this proposal;

3. The costs to the Council to install the 3M APR-DRG™ software, to run the data through this system, and to report these two data elements are minimal. According to the programming department, the Council would not incur any additional costs to collect these data. Once the initial software has been loaded, there would be no additional expenses to run the data through it. This task would become part of the normal processing cycle and day to day staff activity.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 97-490. Filed for public inspection March 28, 1997, 9:00 a.m.]

Meeting Notice

The following meeting of the Health Care Cost Containment Council has been scheduled: Thursday, May 1, 1997, Council Meeting at 10 a.m. The meeting will be held in the Conference Center at the Pennsylvania State Employees Benefits Trust Fund, 150 South 43rd Street, Harrisburg, PA. The meeting is open to the public. Persons who need accommodation due to a disability and want to attend the meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 97-491. Filed for public inspection March 28, 1997, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed at the Historic Preservation Board Meeting

Following is a notice of properties to be considered at the April 15, 1997 meeting of the Historic Preservation Board for nomination to the National Register of Historic Places. The meeting will start at 10:30 a.m. in the Penn Harris Room (3rd Floor), Harrisburg Hilton, Market Square, Harrisburg, PA.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service, or other accommodation to participate should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. Persons who have any questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

BRENT D. GLASS,
Executive Director

1. *Williams, Roger, Public School No. 10.* 901 Prospect Street, Scranton, Lackawanna County.
2. *West End Wheelmen's Club.* 439 South Franklin Street, Wilkes-Barre, Luzerne County.
3. *Glen Rock Historic District.* Main and Church Streets, Argyle Avenue, Valley, Baltimore, Manchester and Hanover Streets, Glen Rock, York County.
4. *Reymer Brothers' Candy Factory.* 1425 Forbes Avenue, Pittsburgh, Allegheny County.
5. *Kaufmann's Department Store Warehouse.* 1401 Forbes Avenue, Pittsburgh, Allegheny County.
6. *Scott, James, House.* 5635 Stanton Avenue, Pittsburgh, Allegheny County.
7. *Fleming, Molly, House.* 616 Wood Street, California, Washington County.
8. *Reading Hardware.* Willow Street, Canal Street, and South Sixth Street, Reading, Berks County.
9. *Mumma, Samuel N., Tobacco Warehouse.* Elizabeth Street, Landisville, East Hempfield Township, Lancaster County.

[Pa.B. Doc. No. 97-492. Filed for public inspection March 28, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation,

interested parties should contact the agency promulgating the regulations.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-437	Department of Public Welfare Nursing Facility Intergovernmental Transfer	3/13/97
7-321	Environmental Quality Board Expedited Rulemaking for Mine Subsidence Control	3/19/97

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-493. Filed for public inspection March 28, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Acquisition of Keystone Health Plan East, Inc.

AmeriHealth HMO, Inc., a wholly owned subsidiary of Independence Blue Cross of Philadelphia, PA, has filed an application to acquire 50% of the issued and outstanding stock of Keystone Health Plan East, Inc. from Highmark, Inc. The filing was made under the requirements set forth under the Insurance Holding Company Act, 40 P. S. § 991.1402 et. seq. Persons wishing to comment on the acquisition 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 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 Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 (717) 787-1879.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-494. Filed for public inspection March 28, 1997, 9:00 a.m.]

Application for Conversion of a Mutual Insurance Corporation

Select Risk Mutual Insurance Company has filed an application to convert from a mutual insurance corporation to a stock insurance corporation, under the Mutual-to-Stock Conversion Act, 40 P. S. § 911 et seq. Integral to this filing is an application for MBIC Holdings, Inc. to acquire 100% of the issued and outstanding stock of the converted insurance corporation. The application for acquisition was made under 40 P. S. § 991.1402 et seq. Persons wishing to comment on the proposed conversion and subsequent acquisition 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 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 Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-1879.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-495. Filed for public inspection March 28, 1997, 9:00 a.m.]

Request for Plan Approval of a Merger

National Slovak Society of the United States of America, a Pennsylvania domiciled fraternal benefit society, has submitted a Plan of Merger, whereby it proposes to merge with Presbyterian Beneficial Union, also a Pennsylvania domiciled fraternal benefit society. The survivor will be National Slovak Society of the United States of America. The initial filing was received on March 12, 1997, and was made under requirements set forth under the Fraternal Benefit Societies Act of 1992 (40 P. S. § 1142). Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving of this merger are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2660.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-496. Filed for public inspection March 28, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Jordan, Jr., Phillip; file no. 97-121-00224; Nationwide Mutual Insurance Company; doc. no. P97-03-006; May 6, 1997, at 10 a.m.;

Appeal of Parslow, Wilma; file no. 97-280-30291; Nationwide Insurance Companies; doc. no. PH97-03-013; May 6, 1997, at 11 a.m.;

Appeal of Erdenberger, Gordon; file no. 97-264-30365; State Farm Mutual Auto Insurance Company; doc. no. PH97-03-018; May 6, 1997, at 1 p.m.;

Appeal of Lewis, Jocelya; file no. 97-223-30069; Erie Insurance Company; doc. no. PH97-03-019; May 7, 1997, at 10 a.m.;

Appeal of McCollum, Harry E.; file no. 97-303-70266; Erie Insurance Company; doc. no. P197-03-021; May 8, 1997, at 9 a.m.;

Appeal of Miller, Mary Jean; file no. 97-121-00364; Erie Insurance Exchange; doc. no. P97-03-009; May 8, 1997, at 11 a.m.;

Appeal of Warden, Sara A.; file no. 97-121-00491; Liberty Mutual Fire Insurance Company; doc. no. P97-03-008; May 8, 1997, at 1 p.m.;

Appeal of Winter, Jack W.; file no. 97-121-00709; Continental Insurance Company; doc. no. P97-03-007; May 8, 1997, at 2 p.m.;

Appeal of Polityka, Richard M.; file no. 97-280-30393; Donegal Mutual Insurance Company; doc. no. PH97-03-015; May 12, 1997, at 9 a.m.;

Appeal of Clark, Dennis; file no. 97-265-30675; Standard Fire Insurance Company; doc. no. PH97-03-016; May 12, 1997, at 10 a.m.;

Appeal of Davis, Gregory; file no. 97-267-30250; The Insurance Company of the State of Pennsylvania; doc. no. PH97-03-020; May 12, 1997, at 11 a.m.;

Appeal of Chafetz, Steve and Susan; file no. 96-264-38412; The Travelers Insurance Companies; doc. no. PH97-03-012; May 13, 1997, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-497. Filed for public inspection March 28, 1997, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Cooper, John Thomas and Jane; file no. 97-264-30372; State Farm Insurance Companies; doc. no. PH97-03-014; May 6, 1997, at 2 p.m.;

Appeal of Laff, Jay and Linda; file no. 97-223-30020; Lititz Mutual Insurance Company; doc. no. PH97-03-017; May 12, 1997, at 1 p.m.;

Appeal of Napper, Benjamin; file no. 97-267-30385; Fair Plan; doc. no. PH97-03-022; May 13, 1997, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-498. Filed for public inspection March 28, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 21, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for the approval of the transfer of stock as described under each application.

A-00111633, Folder 5000. Landmark Transportation Services, Inc. (1717 Merriman Street, P. O. Box 42314, Pittsburgh, Allegheny County, PA 15203), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 1,000 shares of the issued and outstanding shares of stock from Carl J. Gasper, Jr., to Gasper Transportation Group, Inc. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383

A-00108361, Folder 5001. Carriage Limousine Services, Inc. (1717 Merriman Street, P. O. Box 42314, Pittsburgh, Allegheny County, PA 15203), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 1,000 shares of the issued and outstanding shares of stock from Carl J. Gasper, Jr., to Gasper Transportation Group, Inc. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113748. Tri-Star Enterprises, Inc., t/d/b/a Supershuttle (333 Jenkintown Commons, Old York Road and Wyncote Road, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the city and county of Philadelphia and those portions of the counties of Montgomery and Delaware bounded by a line beginning on the north of the Delaware River at the Philadelphia County Line; thence northwardly, westwardly and southwardly along the Philadelphia County Line to Philmont Avenue; thence southwestwardly along Philmont Avenue, Welsh Road, Valley Road, Washington Lane, Township Line to Glenside Avenue (excluding any portion of the borough of Jenkintown), Easton Road, Church Road and Paper Mill Road to the Philadelphia County Line (Stenton Avenue); thence westwardly along the Philadelphia County Line and the Blue Bell Road to Joshua Road; thence southwestwardly along Joshua Road to Cedar Grove Road; thence southwestwardly along Cedar Grove Road and the Schuylkill River, joining the Philadelphia County Line, and continuing to Port Royal Avenue, thence across the Schuylkill River to Mill Creek Road, Montgomery County; thence southwestwardly along Mill Creek Road, Lancaster Avenue, Ardmore Avenue into Delaware County and continuing along Ardmore Avenue, Ellis Road, Lawrence Road and Darby Creek Road to Darby Creek; thence southwardly along Darby Creek; thence southwardly along State Road, Springfield Avenue, Saxer Avenue, Baltimore Avenue, Woodland Avenue and Kedron Avenue to Winona Avenue; thence southwardly along Winona Avenue, continuing in a straight line to the Delaware River; thence northwardly along the Delaware River to the place of beginning; which is to be a transfer of the rights authorized under the certificate issued at A-00094986, F. 3, Am-A to Liberty Cat & Limousine Co., Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. Application for temporary authority has been filed at A-00113748. *Attorney:* Alan I. Moldoff, Suite 1900, Two Penn Center Plaza, Philadelphia, PA 19102-1799.

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 April 14, 1997.

- A-00113404, F. 2 Myron D. Stoltzfus, Sr., t/d/b/a M & L Wholesale Foods
405 Sandy Hill Road, Denver, PA 17517
- A-00113349, F. 2 Jerome L. Campbell
224 Wissinger Road, P. O. Box 177, Bechtelsville, PA 19505
- A-00113800 Shainline Excavating, Inc.
800 Township Line Road, Phoenixville, PA 19460
- A-00113801 Beavertown Transport, Inc.
P. O. Box 337, Middleburg, PA 17342; Andrew K. Light, Esquire, Scopelitis, Garvin, Light & Hanson, 10 West Market Street, Suite 1777, Indianapolis, IN 46204-2971
- A-00113802 A. J. Konopka
R. R. 1, Box 1587, Gouldsboro, PA 18424
- A-00113803 David Ranieli, t/d/b/a Dave Ranieli Trucking
14 Norman Street, Pittston, PA 18640; Girard J. Mecadon, Esquire, Vough & Mecadon, 126 South Main Street, Greater Pittston Professional Center, Pittston, PA 18640-1793
- A-00113812 Garrison W. Nelson, Nels Trucking
1796 Water Street, Lebanon, PA 17046
- A-00113813 Anne R. Wing, t/d/b/a Wing Farm
P. O. Box 278, Oley, PA 19547
- A-00113814 Howard E. and Frances H. Matteson, t/d/b/a Matteson Farms
16911 Stewart Road, Centerville, PA 16404
- A-00113815 Swisher Contracting, Inc.
P. O. Box 1223, Clearfield, PA 16830; Dwight L. Koerber, Jr., Esquire, Kriner, Koerber & Kirk, P.C., 110 North Second Street, P. O. Box 1320, Clearfield, PA 16830
- A-00113331, F. 2 David W. Skapnit
21 Trinley Road, Linfield, PA 19468
- A-00113459, F. 2 Homer C. Confer, Sr.
70 Rockville Road, Belleville, PA 17004-8922
- A-00113376, F. 2 James Arden Ellenberger, t/d/b/a Berger Trucking
R. R. 2, Box 71, Troy, PA 16947
- A-00113804 Ronald K. Robbins, t/d/b/a Robbins Trucking
R. R. 3, Box 169, Benton, PA 17814
- A-00113805 SMC Courier Service, Inc.
1163 East Philadelphia Avenue, P. O. Box 102, Gilbertsville, PA 19525

- A-00113806 KBI Interim, Inc.
721 South Front Street, Milton, PA 17847; Preston L. Davis, P. O. Box 319, Milton, PA 17847
- A-00113807 Stephen Hughes
503 Moosic Road, Old Forge, PA 18518
- A-00113808 Andrew T. Kushner
143 Baker Drive, Pittsburgh, PA 15237
- A-00113809 Harold E. Benfer
R. D. 1, Box 229B, Watsontown, PA 17777
- A-00113810 LTK Trucking, Inc.
1931 Susquehanna Avenue, Exeter, PA 18643
- A-00113811 Today's Courier, Inc.
1636 Holicong Road, New Hope, PA 18938; Michael Betts, 237 North York Road, Warminster, PA 18974

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-499. Filed for public inspection March 28, 1997, 9:00 a.m.]

Telecommunications Service Without Hearing

A-312025 and A-310236 F0003. British Telecommunications plc et al. Joint Application of British Telecommunications plc, MCI Communications Corporation, MCI Telecommunications Corporation, and MCIMetro Access Transmission Services, Inc., for approval of, through merger and transfer of stock, control of property used and useful in the provision of local telecommunications services.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 14, 1997, under 52 Pa. Code (relating to public utilities).

Counsel for Applicants: Linda C. Smith, Dilworth, Paxson, Kalish and Kauffman, 305 North Front Street, Suite 403, Harrisburg, PA 17101-1236; Joel S. Winnik, Hogan and Hartson, L.L.P., 555 Thirteenth Street, N. W., Washington, DC 20004-1109.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-500. Filed for public inspection March 28, 1997, 9:00 a.m.]

Telecommunications Service Without Hearing

Commonwealth Long Distance Company and Commonwealth Communications, Inc. Application for the issuance of various certificates of public convenience approving transactions involved in the restructuring of

Commonwealth Long Distance Company and Commonwealth Communications, Inc., as follows:

The transfer of assets and patrons from Commonwealth Long Distance Company to CTLD, Inc.
Docket No: A-310071 F0003

The application of CTLD, Inc., to render interexchange reseller telecommunications services in Pennsylvania.
Docket No: A-310509

The transfer of CTLD, Inc., stock from Commonwealth Long Distance Company to C-TEC Corporation.
Docket No: A-310509 F5000;

The transfer of Commonwealth Long Distance Company stock from C-TEC Corporation to C-TEC Cable Systems of Pennsylvania, Inc., as a wholly owned subsidiary of RCN Corporation, a separate, publicly traded corporation.
Docket No: A-310071 F5001

The transfer of all assets and patrons from Commonwealth Communications, Inc., to Commonwealth Telecom Services, Inc.
Docket No: A-310397 F0002

The transfer to Commonwealth Telecom Services, Inc., of the certificate of public convenience to provide competitive local exchange services currently held by Commonwealth Communications, Inc.
Docket No: A-310510

The right of Commonwealth Communications, Inc., to abandon service in Pennsylvania.
Docket No: A-310397 F2000

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 14, 1997, under 52 Pa. Code (relating to public utilities).

Counsel for Applicant: Norman James Kennard, Esquire, Janet L. Miller, Esquire, Malatesta, Hawke and McKeon, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-501. Filed for public inspection March 28, 1997, 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.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

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

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8503800 Agricultural machinery and supplies—800 each spray tanks, high pressure, 3 gallon.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1795306 Cabinets and trays, 3 each cabinets for collections storage, 78"H X 58" W X 32" D; 32 each trays: 1-3/4" H X 52-3/4" W X 30" D and 32 each trays: 3-3/4" H X 52-3/4" W X 30" D.

Department: Historical and Museum Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1946206 Clothing and individual equipment—336 pair, trousers, uniform.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1657316 Communication equipment—1 lot, furnish and render operational, an audio visual display system.

Department: PEMA
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1812116 Communication equipment—1 lot, furnish only, closed circuit television monitoring system.

Department: Corrections
Location: Somerset, Somerset County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1837116 Computer systems—1 each furnish and install a time and attendance system.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1853226 Construction and building materials—940 square yards bituminous surface course, ID-2 complete in place. To be prepared, finished and placed.

Department: Fish and Boat Commission
Location: Carlisle, Cumberland County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1862116 Construction and building materials—1 job, furnish, erect, and set in place—approximately 556 lineal feet of fencing.

Department: Corrections
Location: Greensburg, Westmoreland County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1891116 Construction and building materials—92 each vinyl replacement window unit (double hung) with full insect screen, size: 40" x 73"; 9 each size: 30" x 73"; 2 each size: 30" x 40" and 75 each transom panels, size: 38" x 19 7/8" 3.

Department: Corrections
Location: Waymart, Wayne County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8113050 Construction and building materials—1 lot, prefabricated superstructure and deck rehabilitation, furnished.

Department: Transportation
Location: Farrisville, Clinton County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8141230 Construction and building materials—1035 ton, bituminous wearing course, ID-2, scratch course, SRL-any; 5252 ton, leveling course, SRL-M; 257 ton, ID-2, SRL-M; 422 ton, ID-2, SRL-G and 1207 SY membrane waterproofing.

Department: Transportation
Location: Mercer, Mercer County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8503730 Construction and building materials—1 each precast concrete box culvert.

Department: Transportation
Location: Lancaster, Lancaster County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8503810 Construction and building materials—1 each precast concrete box culvert.

Department: Transportation
Location: York, York County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1003117 Containers, packaging and packing supplies—320 box, milk box liners, 6-gallon, 6/ED P/PEA/10/0 with 10" hose, with plastic sleeve, not plugged.

Department: Correctional Industries
Location: Huntingdon, Huntingdon County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1733356 Laboratory instruments and equipment—10 each, Densitometers; X-RITE, Model 331, 4AA battery powered, black and white transmission 1 and 2MM apertures, carrying case; 10 each Sensitometers; X-RITE, Model 334, 9 volt battery powered, for blue or green sensitive film, 21 step.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1827356 Laboratory instruments and equipment—1 lot, Environmental Systems corporation data collection system.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1843356 Laboratory instruments and equipment—3 each 2.5 micron particulate monitoring analyzers (PM 2.5) and various support equipment; 6 each 10 ML bottles of Dow 704 diffusion oil; 21 each SA246B-W60 filter holders and accessories.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8217160 Laboratory instruments and equipment—1 each pressure aging vessel system (PAVS).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8160890 Measuring tools—various quantities of metric conversion tools and supplies.

Department: Transportation
Location: Clearfield, Clearfield County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1928116 Medical, dental and vet equipment and supplies—46 each tuberculosis isolation room monitoring system with pressure and exhaust flow station measurement.

Department: Corrections
Location: Various, Various Counties, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1929236 Metal bars, sheets and shapes—150 each steel posts—flanged sign channel posts—6'; 75 each 8'; 500 each 11'; 1140 each 12'; 225 each steel posts—delineator posts "U" channel 5' and 375 each 6'.

Department: Game Commission
Location: Cambridge Springs, Crawford County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1769356 Motor vehicles, trailers and cycles—1 each 1997 model tandem axle truck with 14' steel dump body.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1865076 Paper and printing—4500M, WIC Automated Food Instrument (AFI), continuous form, two-up.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1915206 Paper and printing—12M, envelopes, evidence, expanding, brown kraft, to be packed 250 per case.

Department: State Police
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7313810 Paper and printing—2500 ctn., paper, cash register roll, printer for IBM POS Model 4683 and 4684, 50 rolls/ctn.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1649116 Prefab structures and scaffolding—1 each, high moisture corn oxygen limited silo.

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1933076 Safety equipment—bicycle helmets: 211 each toddler; 635 each child small; 708 each child medium and 526 each child large.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1798116 Security systems and accessories—1 each furnish intrusion detection system for perimeter security fence surrounding the State Correctional Institution at Retreat.

Department: Corrections
Location: Hunlock Creek, Luzerne County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Advertising—01

ME60089 Education intends to allocate and administer Title I Even Start Family Literacy funds to local educational agencies (LEA) and community-based organizations (CBO) within the Commonwealth. Eligibility includes entities applying for a grant renewal. Estimated FY98 appropriation is 4.1 million of which 95% is available for distribution to new and continuation projects. Minimum award will be \$75,000. All project funding dependent upon receipt of Even Start Funds from US Department of Education. Pre-proposal session will be held during '97 annual conference of the PA Assn. of Fed. Program Coordinators, April 13—16, 1997 at Seven Springs Resort, Champion, PA. Funding applications are available by mailing/faxing a letter of intent, signed by the chief administrator (superintendent or exec. director) no later than April 10, 1997 to PA Dept. of Education, Community and Student Services, Even Start Family Literacy Program, 333 Market St., 5th Floor, Harrisburg, PA 17126-0333 or fax to (717) 783-6617. Applications must be received by 4:00 p.m., May 23, 1997.

Department: Education
Location: Statewide (Title I School Attendance Areas)
Duration: October 1, 1997—September 30, 1998
Contact: Community and Student Services, (717) 772-2813

Audio/Video—04

10-97-04 Provide cellular phone service Statewide to include leasing of equipment, airtime, programming, installation, removals and other types of cellular support for leased services and leased equipment.

Department: State Police
Location: Throughout the Commonwealth of Pennsylvania
Duration: July 1, 1997 through June 30, 2000
Contact: Jerry Langdon, Communications Division, (717) 783-5508

120054 To provide cellular phone service for Engineering District 12-0, which includes Fayette, Greene, Washington, and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0, Fayette, Greene, Washington and Westmoreland Counties
Duration: July 1, 1997 through June 30, 1998
Contact: Chris Sleighter, Fiscal Officer, (412) 439-7313

Construction and Construction Maintenance—09

DGS 408-57 Phase 3 Project title: Replacement of Steam Lines (North, North Campus). Brief description: Work includes replacing and new underground steam piping at approximately 2250 linear feet, manhole repair and associated connections at buildings on the North Campus of the University in accordance with contract documents. HVAC construction plans deposit: \$46.00 per set. Payable to Consolidated Engineers. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Consolidated Engineers, 35 South Dwight Street, West Lawn, PA 19609. Telephone: (610) 670-1656. Bid date: Thursday, April 17, 1997 at 11:00 a.m.

Department: General Services
Location: Kutztown University, Kutztown, Berks County, PA
Duration: 130 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 948-12AD Ph.3, Pt. Q Project title: Health Room Alterations. Brief description: work includes installing wall, ceiling and floor finishes to complete rooms. Complete mechanical and lighting/electrical systems and adjust existing sprinkler system. General and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Thursday, April 17, 1997 at 2:00 p.m.

Department: General Services
Location: Capitol Building, East Wing, Harrisburg, Dauphin County, PA
Duration: 60 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 514-38 Project title: Waterproof Tunnel. Brief description: apply 2,500 square feet of crystallizing waterproofing to tunnel interiors, repair 360 linear feet of cracks inside concrete tunnels, seal 700 linear feet at sidewalk joints above tunnels. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 11:00 a.m.

Department: General Services
Location: Warren State Hospital, Warren, Warren County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

CRS/PUR-01-97/2000 Provide stenographic court reporting services for the transcribing of testimony taken at depositions, including video-tape depositions, record hearings, to include arbitration hearings. Services are required throughout the Commonwealth of PA, and are addressed in detail in the Request for Proposal (RFP). Note: The RFP may result in the awarding of more than one contract.

Department: Office of Attorney General
Location: Statewide
Duration: July 1, 1997—June 30, 2000
Contact: L. Kinch Bowman, (717) 783-6275

Contract No. FDC-013-92 Remove and dispose of existing fuel system (1-1,000 gallon gas and 1-1,000 gallon diesel tanks); provide and install a dual compartment above ground fuel system (1,000 gallon gas/1,000 gallon diesel); additional soil/water tests; and approximately 50 c. y. of contaminated soil disposal. Work site is located near the village of Hicks Run, south of Emporium.

Department: Conservation and Natural Resources
Location: Benetzette Township, Elk County, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

FM 08779608 Contractor to furnish and install windows and the concrete window sills between upper and lower roofs on the south side of the Dietary Building (No. 17) of the Ebensburg Center. Complete bid package can be obtained from the Purchasing Office of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: Ninety (90) days from effective date of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

FM 08779607 Contractor to supply all labor, tools and equipment, materials and appurtenances to install safety non-slip floor treatment to existing quarry tile floors in Buildings No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, and No. 7 of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: Ninety (90) days from effective date of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

FM 08779604 Contractor to furnish and install windows and concrete window sills between upper and lower roofs on the north side of the Dietary Building (No. 17) at the Ebensburg Center. Complete bid package can be obtained from the Purchasing Office at Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: Ninety (90) days from effective date of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

FM 08769602 Contractor to furnish and install barrier-free ceiling lifts for tubs at the Altoona Center. Although service is for the Altoona Center, complete bid package can be obtained from the Purchasing Office at the Ebensburg Center.

Department: Public Welfare
Location: Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA 16601
Duration: Ninety (90) days from effective date of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

Demolition—11

PFBC-Knight-01 Demolition and removal of two-story asbestos sided wood frame dwelling w/stone foundation along w/related buildings at 11941 Sietzinger Road, North East Township, Erie County, PA. All demolition debris including asbestos must be hauled to DEP approved landfill and any onsite produced asbestos demolition debris must be handled in accordance with DEP regulations. Contractor is responsible for all permits, licenses, approvals and coordinating sealing/cutting off of public/private utilities servicing the structure; this includes capping all water lines running to the house. Septic tank to be pumped, cracked, backfilled and drain lines plugged. Bidders must be certified to handle hazardous wastes in accordance with DEP standards. Attendance at on-site pre-bid meeting mandatory. Contact PA Fish and Boat Commission, Attn: Kathi Tibbott, telephone (814) 359-5131 to receive a bid package.

Department: Fish and Boat Commission
Location: Knight Dwelling, 11941 Sietzinger Road, North East Township Road 766, North East, PA
Duration: May—June, 1997
Contact: Kathi Tibbott, (814) 359-5131

PFBC-Herf-01 Demolition and removal of two-story asbestos sided wood frame dwelling w/stone foundation and related buildings at Hereford Manor Lake property in Franklin Township, Beaver County, PA along SR 288 W. of Zelenople. Includes demolition and removal of 4-stall one-story masonry garage and one-story wood frame shed. All debris including asbestos must be hauled to DEP approved landfill and any onsite produced asbestos demolition debris must be handled in accordance with DEP regulations. Contractor is responsible for all permits, licenses, approvals and coordination of sealing/cutting off public/private utilities servicing the structure. This includes capping all water lines to the house. Attendance at on-site pre-bid meeting is mandatory. All bidders must be certified to handle hazardous wastes in accordance with DEP standards. Contact PA Fish and Boat Commission, Attn: Kathi Tibbott, telephone (814) 359-5131 to receive a bid package.

Department: Fish and Boat Commission
Location: Hereford Manor Lake, SR 288 approximately 3 miles west of Zelenople, Franklin Township, Beaver County, PA
Duration: May—June, 1997
Contact: Kathi Tibbott, (814) 359-5131

Drafting and Design Services—12

RFP 97077 Edinboro University of the State System of Higher Education will select a firm for the purpose of providing professional design services for the upgrade of campus infrastructure. Interested professionals should obtain a Request for Proposals (RFP) form the Purchasing Office, 237 McNeerney Hall, Edinboro University of PA, Edinboro, PA 16444, Attn: Tom Anderson, phone (814) 732-2704 or fax (814) 732-2281. A pre-proposal conference will be held on April 3, 1997, at 9:00 a.m. in Room 100 First Floor Seminar Room, University Center, Edinboro University of PA. RFPs are due on April 17, 1997. Participation is limited to firms located within a 150 mile radius of EUP. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Edinboro University of PA, Edinboro, PA
Duration: Design completed within 365 days of approval of agreement
Contact: Tom Anderson, Contract Specialist, (814) 732-2704

Engineering Services and Consultation—14

08430AG2062 To provide construction inspection services on S. R. 0079, Sections A04 and X10, I79 Restoration from Southpointe to Bridgeville, in Allegheny and Washington Counties.

Department: Transportation
Location: Engineering District 11-0
Duration: 27 calendar months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2063 Retain an engineering firm to perform final design, consultation during construction and shop drawing reviews for S. R. 6022, Section 005, Water Street Bypass, Morris Township, Huntingdon County.

Department: Transportation
Location: Engineering District 9-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2064 Retain an engineering firm to perform final design, consultation during construction and shop drawing reviews for S. R. 4013, Section 001, Chestnut Avenue, City of Altoona, Blair County.

Department: Transportation
Location: Engineering District 9-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

120053 To provide on-call drilling equipment for Soils and Geological Engineering Investigation on various types of terrain. Also, to provide maintenance and protection of traffic during drilling operations when required. Letters of Interest must be received no later than close of business on April 11, 1997.

Department: Transportation
Location: Engineering District 12-0; Fayette, Greene, Washington and Westmoreland Counties
Duration: July 1, 1997 through June 30, 1998
Contact: D. Michael Kuhn, (412) 439-7245

Food—19

1446 Seafood. Clams—Type B, Class A, hard minced or shredded for chowder. Approximately 600 lbs. per month. Fish, haddock, breaded and unbreaded—4 oz. portions, raw, skinless, boneless. Approximately 4000 lbs. per month. "Or like items." Monthly bids and orders. Monthly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-98
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

1445 Eggs, shell, Grade A, Medium, Class I, fresh 30 dozen/case. Approximately 1500 dozen/week. Quarterly bids and orders, weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-97
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

1451 Dry beans, lima, pea, red kidney and blackeye pea—or like items. Quantities and specifications available from agency Purchasing Office.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-98
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

4197 Prepared salads: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4196 Bread, rolls and related products, fresh: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4195 Miscellaneous frozen foods: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4194 Meat and meat products: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4193 Ice cream and sherbet: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4192 Fish and fish products, frozen: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4191 Frozen fruits and vegetables: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4190 Pastries, pies and cakes, fresh: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4189 Fresh fruits and vegetables: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4188 Poultry and poultry products: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4187 Frozen juice: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4186 Prepared vegetables: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

4185 Dairy products and drinks: various deliveries for period beginning July 1, 1997 through September 30, 1997.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: 7/1/97—9/30/97
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

97-001 Bread, rolls and related products, fresh as follows: 8,800 loaf bread, white enriched; 50 loaf bread, rye, seedless; 500 loaf bread, wheat (whole); 260 loaf bread, cinnamon/raisin; 260 loaf bread, Italian; 800 loaf bread, French, (longstick); 2,000 dozen rolls, hamburger, sliced, seedless; 325 dozen rolls, hamburger, sliced, seedless, whole wheat; 1,600 dozen rolls, frankfurter, sliced; 1,600 dozen rolls, dinner, cloverleaf; 1,000 dozen steak roll, 6"; 500 dozen hoagy/sub rolls, 8"; 347 dozen muffins, English; 600 dozen Kaiser rolls, 4". Bids will be awarded to the lowest bidder on an aggregate total.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1997 through June 30, 1998
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6406

Inquiry No. 7450 Coffee, concentrate, frozen (decaffeinated)—for a one year period beginning July 1, 1997 through June 30, 1998. Delivery schedule may be obtained from the institution.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: July 1, 1997—June 30, 1998
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 30195 Fish and fish products. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30188 Fresh fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30189 Poultry and poultry products. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30190 Prepared fresh vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30191 Meat and meat products. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30192 Dairy and dairy products. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30193 Bread and rolls. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30194 Juices, frozen and juice drinks/unsweetened. Dates, specifications, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30185 Miscellaneous frozen foods. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30187 Ice cream, sherbet, related items. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

Inquiry No. 30186 Frozen fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: July, August, September, 1997.

Department: Public Welfare
Location: Western Center, 333 Curry Hill Road, Canonsburg, PA 15317
Duration: July, August, September, 1997
Contact: Ken Wilson, Purchasing Agent III, (412) 873-3256

97-113 Vegetables, frozen: cauliflower, broccoli, chopped Brussels sprouts and any other frozen vegetable as may be required by agency. Items to be bid on a monthly basis.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-120 Vendor to furnish cola syrups and dispensers to dispense cola. Cola, Dr. Pepper, orange, Mr. Pibb, ginger ale—approximately 5000 gallons. Diet cola and/or Sprite—approximately 5000 gallons.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-119 Powdered milk, non-fat, dry, 50 lb. multiwalled paper bag.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-118 Corned beef, canned, Type I, standard commercial product, 6 lb. wt. per round or rectangular container, 6 cans/cs.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-114 Shortening compound, Type A, Class I, general purpose, 50 lb. container (no animal fat). Salad oil, all vegetable, one gallon containers.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-115 Pizza and pizza products: pizza squares, French bread pizza, pastroli and any other pizza item as may be required by agency. Product to be on a monthly basis.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-116 Pullman hams, canned, fully cooked, 10 lb. average, chilled.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

97-117 Dry barley 24—1 lb/cs; cornmeal 8—5 lb/cs; Arkady 50 lb. bags; yellow food coloring 1 qt. size; onion powder 1 lb. size; baking soda 1 lb. size; onion salt 1 lb. size; parsley flakes 1 lb. size; pastry flour 100 lb. bags; potato whitener 1 lb. size; Kitchen Bouquet 1 qt. size; celery salt 1 lb. size; dill pickles, sliced 1 gallon size; baking powder 50 lb. bags; groceries and related items.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 1, 1997 to June 30, 1998
Contact: Delores Stephens, (717) 975-5200

1450 Meats, poultry, beef and pork products. Meats to be in accordance with Inst. Meat Products Spec., chicken to be in accordance with PA Spec. C-94, fresh and frozen, as specified. All items to be from Federal Inspected Plants. Quantities per month as follows (approximate): bologna, large—1000 lbs.; pepper loaf—400 lbs.; Lebanon bologna—2000 lbs.; salami—800 lbs.; Pullman canned ham—1200 lbs.; frankfurters, beef—4000 lbs.; beef liver—2000 lbs.; chicken fryers—10000 lbs.; turkey roast—4500 lbs.; fresh turkey—4000 lbs.; frankfurters, turkey—3000 lbs.; turkey ham—2000 lbs.; Polish sausage—1400 lbs.; fresh pork sausage—2000 lbs.; pork chops, center cut—14000 lbs.; steak, sandwich—7200 lbs.; beef, rib-b-que—3000 lbs.; "or like items". Monthly bids, orders and delivery.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-98
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

1449 Fruits and vegetables. Fruits as per PA Spec. F-46, vegetables as per PA Spec. V-14. Quantities (approximate) per week as follows: bananas—1,000 lbs.; oranges—44 crates; grapefruit—44 crates; lettuce—60 crates; celery—18 crates; cabbage—2,000 lbs.; onions—2,000 lbs.; carrots—900 lbs.; potatoes—10,000 lbs. Quantities (approximate) per month as follows: peppers—50 bushel; cucumbers—30 bushel; cantaloupe, seasonal—105 crates; watermelon, seasonal—7,000 lbs.; fresh strawberries, seasonal—1,500 lbs. "Or like items." Monthly bids and orders. Weekly deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-98
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

1448 Oleomargarine—colored, 1 lb. containers, Type II, prepared from edible vegetable oil. Approximately 12,000 lbs./month. Cottage cheese—creamed, mixed, 5 lb. containers. Approximately 1,200 lbs./month. American cheese—pasteurized, processed. Medium yellow color, unsliced. Approximately 6000 lbs. per month. Swiss cheese—unsliced, approximately 500 lbs. per month. "Or like items." Monthly bids, orders and deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-98
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

1447 Frozen foods. Quantities (approximate) per month, as follows: pizza—20,000 Pcs.; veal patties—1,500 lbs.; potato balls—8,000 lbs.; chicken patties—1,500 lbs.; broccoli cuts—4,000 lbs.; cauliflower—4,000 lbs.; frozen eggs—2,400 lbs.; French fries—10,000 lbs. "Or like items." Monthly bids, orders and deliveries.

Department: Corrections
Location: State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823
Duration: 7-1-97 through 6-30-98
Contact: Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

Hazardous Material Services—21

DGS 948-41EC2 Revised Rebid Project title: Asbestos and Hazardous Materials Abatement. Brief description: removal and disposal of asbestos and hazardous materials and the abatement of PCB contamination on the ground floor, basement, subbasement and Plaza exterior. Asbestos and hazardous materials abatement. Plans deposit: \$100.00 for one (1) set. Payable to: CRSS Constructors, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Reliance Reprographics, Inc., P. O. Box 89, Earlington, PA 18918. Attn: Matthew F. Swartz, telephone (215) 723-4500. Bid date: Thursday, April 24, 1997 at 2:00 p.m. A mandatory pre-bid conference has been scheduled for Thursday, April 10, 1997 at 1:30 p.m. Meeting to be held in Room G-113, Transportation and Safety Building, Harrisburg, PA. The building walk-through will immediately follow the pre-bid conference. Contact persons: Bob Mentel or Joan Killian, telephone (717) 233-7507. Bids received from bidders not in attendance at the mandatory pre-bid conference and building walk-through will be rejected.

Department: General Services
Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA
Duration: 110 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

0640 Remove trash from five (5) stockpiles in Montgomery County once per week. Location: Skippack—approximately 3 miles west of Skippack on Route 73, Sanatoga—at Sanatoga exit off Route 422; Black Rock—on Upper Indian Head Road, Oaks exit off Route 29; Red Hill—on Route 29, Borough of Red Hill; Route 309—on Route 309 northbound past Springhouse exit. Each stockpile will need one (1) six (6) cubic yard container to be emptied once a week.

Department: Transportation
Location: See Above
Duration: July 1 1997 to June 30, 1998
Contact: Susan M. Bailey, (610) 275-2368

Heating, Ventilation, Air Conditioning—22

DGS A 172-2ADA Project title: Conversion of Toilet Room. Brief description: convert existing toilet room to ADA requirements. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 2:00 p.m.

Department: General Services
Location: Forest District 18 Office, North Manheim Township, Schuylkill County, PA
Duration: 60 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-187 Project title: Sewer Revisions. Brief description: install new piping to separate roof drains from floor drains and install new oil separator with safety shut-off valve. Plumbing construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 11:00 a.m.

Department: General Services
Location: PennDOT Maintenance Building, Route 6, Warren, Warren County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

B-7512 Vendor to provide to the State Correctional Institution Graterford, electrical repair services to C-Barn and No. 30 Barn located on property. Services to include removal and installation of breakers, fixtures, conduit/wiring and replacement and upgrade of underground system.

Department: Corrections
Location: State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426
Duration: 6 months
Contact: Kelly Richardson, (610) 489-4151

081097-1 Electrical maintenance and repair service.

Department: Transportation
Location: Within the Boundaries of Adams County, PA
Duration: 12 months
Contact: Sue Rosensteel, (717) 783-1392

403302 Maintenance of gas fired heating systems.

Department: Transportation
Location: SR 0006, Indian Orchard, PA 18431
Duration: 3 years 09/01/97 to 08/31/00
Contact: Charles M. Johnson, (717) 253-3130

SP-336320 Furnish all necessary supervision, labor, tools, parts, piping, wiring, equipment, etc. to remove and dispose of two (2) existing Dunham VR25 vacuum pumps, motors, switch boxes, pipes, holding tank, etc. and furnish and install new equipment.

Department: Liquor Control Board
Location: Northwest Office Building, Capital and Boas Streets, Harrisburg, PA 17124-0001
Duration: Upon final approval—90 days
Contact: Betty J. Goodling, (717) 787-6360

Lodging/Meeting Facilities—27

SPC No. 216937 Contractor will provide lodging, meals (breakfast/lunch/dinner/a.m. and p.m. breaks), meeting rooms and ancillary equipment for a training/scoring session to be held in Eastern, PA. Contractor should bid on one of the following dates: September 30—October 3, or October 21—24. If both dates are available, bid on both will be accepted. Only one meeting will be held; therefore, only one date will be awarded. Meetings will be for 110 persons each with 3 nights lodging per meeting. Quiet/well-lighted/spacious meeting facilities are mandatory. All sites will be subject to inspection prior to contract award.

Department: Education
Location: Eastern, PA
Duration: September 1, 1997—October 31, 1997
Contact: R. Lee Plempel, (717) 787-4234

Medical Services—29

RFP 96-07-08 To provide diagnostic assessment, family counseling and education, the development of treatment plans for babies with abnormal hemoglobin detected through newborn screening, the coordination of comprehensive medical management and psychosocial care to children with sickle cell disease, and the provision of education material and genetics counseling and testing for families of babies identified with sickle cell trait through newborn screening.

Department: Health
Location: Statewide by regions (3)
Duration: July 1, 1997 to June 30, 2000
Contact: Maryann McCarthy, R.N., C., (717) 783-8143

402 Contractor shall provide registered nurses to the inmate population at the State Correctional Institution at Pittsburgh. Interested vendors can call Joan Delie, Corrections Health Care Administrator at (412) 761-1955, ext. 329 for more information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 01, 1997 to June 30, 1998
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955

H38356 The vendor shall furnish dental prosthetic appliances such as dentures, full or partial, and various related attachments to the inmate population of the State Correctional Institution at Pittsburgh. Interested vendors can call Joan Delie, Corrections Health Care Administrator at (412) 761-1955, ext. 329 for more information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 01, 1997 to June 30, 2000
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

Property Maintenance—33

DGS A 972-10 Project title: Replace Roof and Gutters/Downspouts and Paint. Brief description: installation of new fire retardant cedar shingles; new galvanized sheet steel standing seam roofing, flashing, gutters and downspouts; painting and minor wood component replacement. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 2:00 p.m. Pre-bid conference scheduled for Thursday, April 3, 1997 at 10:30 a.m. Meeting to be held at Administrative Office/County Store, Administrative Building, Landis Valley Museum, Lancaster, PA. Contact person: Gina Douy, telephone (717) 782-4992. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Bitzer Barn, Landis Valley Museum, Lancaster, Lancaster County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 580-71 Project title: Repair Concrete Mezzanine Floor Building No. 25, Boiler Plant. Brief description: demolish and replace approximately 1002 square feet of concrete mezzanine floor slab in the Boiler Building as well as steel stairs, along with affected mechanical water softening system. General construction. Plans deposit: \$25.00 for one (1) set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 11:00 a.m.

Department: General Services
Location: Haverford State Hospital, Haverford, Delaware County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

SP 331439 Cleaning and repainting of the exterior of lead-based painted quonset maintenance buildings totaling approximately 4700 square feet located at Forest District 19, Owego Ranger Station, Pike County, Blooming Grove Township.

Department: Conservation and Natural Resources
Location: Forestry, Forest District 19, Route 6, Hawley, Blooming Grove Township, Pike County, PA 18436
Duration: June 30, 1997
Contact: Regional Park Office, (215) 453-5016

SP 331438 Installation of storm windows, stabilization of the floor system, install rigid insulation and dry wall.

Department: Conservation and Natural Resources
Location: White Clay Creek Preserve, P. O. Box 172, Goodhope and Flint Hill Roads, Landenberg, Chester County, PA 19350-0172
Duration: June 30, 1997
Contact: Regional Park Office, (215) 453-5016

DGS A 172-3ADA Project title: Toilet Room Accessibility Alterations. Brief description: toilet room alterations to ADA compliance. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 2:00 p.m.

Department: General Services
Location: Forest District No. 1 Office, Greene Township, Franklin County, PA
Duration: 60 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 172-1ADA Project title: Conversion of Toilet Room. Brief description: convert toilet room to comply with ADA requirements. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 2:00 p.m.

Department: General Services
Location: Forest District 12 Office, South Williamsport, Lycoming County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 578-16 Project title: Roof Replacement of Various Buildings. Brief description: remove existing gravel, built-up roofing, flashings and insulations. Install all new tapered insulation membrane roofing and flashings. Repair concrete fascia in several areas. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 16, 1997 at 2:00 p.m.

Department: General Services
Location: Dallas State Correctional Institution, Dallas, Luzerne County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 415-35 Project title: Roof Replacement-Gymnasium. Brief description: remove existing gravel and perimeter and projection flashing on gymnasium roof. Install new membrane (Elvaloy) roofing and flashing and insulation with insulation mechanically fastened to existing tectum deck. Existing flashing contains asbestos. Work is limited to renovation at existing building. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 2:00 p.m.

Department: General Services
Location: Scotland School for Veterans' Children, Scotland, Franklin County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 571-25 Project title: Repair Main Entrance. Brief description: widen entrance to the institution. Resurface entrance road. Miscellaneous construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 9, 1997 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution at Rockview, Bellefonte, Centre County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

JC-12-97 Snow and ice removal services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Snow and ice removal from parking lot, driveway (3") accumulation, and sidewalks (1") accumulation. Salt or anti-skid materials are added when accumulation of snow and/or ice constitutes parking lot and driveway, and/or sidewalks a hazard. Detailed specifications can be obtained upon request.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1997 through June 30, 1999
Contact: Thomas C. Dembosky, Manager, (412) 357-3030

541006 Masonry services—temporary service, labor only for maintenance and repair and minor construction. All supervised, monitored and inspected by ESU. Contact Purchasing Department for specification. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301
Duration: July 1, 1997—June 30, 1998
Contact: William Roth, (717) 422-3203

SP 331440 Repainting, installing facias and soffits, gutters, downspouts and window glazing at Regional Warehouse and Boathouse at Nockamixon State Park, Bucks County, East Rockhill Township, PA.

Department: Conservation and Natural Resources
Location: State Parks, Regional Park Office No. 4, 2808 Three Mile Run Road, Perkasie, Bucks County, PA 18944-2065
Duration: June 30, 1997
Contact: Park Office, (215) 453-5016

CAL-613 California University of Pennsylvania of the State System of Higher Education is interested in obtaining bids for the painting of exterior metal panels in the older portion of the Elmo Natali Student Center (Project No. CAL-613) on the campus of California University of Pennsylvania. Interested bidders can request the University's Project Manual by calling Joyce Sheppick at (412) 938-4592. There will be a \$25 non-refundable charge for the documents. There will be a pre-proposal hearing on April 10, 1997 at 10:00 a.m. in Room 117, Azorsky Administration Building. Bids are due on April 24, 1997 at 2:00 p.m. in Room 117, Azorsky Administration Building. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System and will consider joint ventures that will enable these firms to participate in the System's contract.

Department: State System of Higher Education
Location: California University of PA, California, PA 15419
Duration: 90 days
Contact: Joyce L. Sheppick, (412) 938-4592

X109230 Provide maintenance on the window blinds in the Rachel Carson State Office Building.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: July 1, 1997 through June 30, 2000
Contact: Ally Castaneira, (717) 787-2471

Sanitation—36

11097004 Refuse and trash removal from various locations within Allegheny County (Engineering District Office and Maintenance Districts 11-1 and 11-3). Contractors must meet all Commonwealth requirements for trash and refuse removal. Contractors are not required to bid on all containers and sites. Items will be awarded separately.

Department: Transportation
Location: Allegheny County: Engineering District 11-0, Maintenance District 11-1 and Maintenance District 11-3
Duration: 07/01/97 through 12/31/98 with two 18-month renewals
Contact: Bernadette Hatok, (412) 429-4956

Vehicle, Heavy Equipment and Powered Machinery Services—38

090-000218 Wheel driven pavers, rubber tire roller, hydro seeder, track loaders, belt loaders, track excavator w/5,000 PSI rock hammer, wheel mounted excavators, backhoes, bobcats w/Vermeer wheel attachment, bobcats w/conc. breaker attachment, trencher (8—12" width, 4' depth) conc. saws (18" and 36"), trk. mtd. conc. pump, 40' trk. mtd. conc. conveyor, pipe flushers, sewer cleaner vacs., auger pipe cleaner, 6" trailer mtd. water pump, high pressure tanker trucks, mobile street sweepers (top dump), brush cutters, hyd. cranes, lattice crane w/clam shell bucket, 250—400 AMP welders, milling machines, vertical asphalt and concrete milling machine, mobile road spray patcher, trailer mtd. spray patchers, wreckers (7,000 GVW rollback, 21,000 GVW, 40,000 GVW and 73270 GVW), truck mounted post pounders, truck mounted post hole digger, truck mounted tree hole digger, 18" and 24" vertical barricades, bucket trucks w/live hydraulics, bucket truck w/dual buckets and jib, aerial platform lifts, quick melt tar kettles, bulldozers (180 H.P. min.), stump grinder, wood chippers, and hydra hammer (4,000 lb. min.).

Department: Transportation
Location: District 9—Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties, PA
Duration: July 1, 1997 through June 30, 2000 (3 years)
Contact: J. E. Hughes, P.E., District 9-0, (814) 940-5155

2-0-00336 The Department of Transportation Maintenance District 0220 Clearfield County will be renting the following equipment: two oil distributors, minimum 3,200 gallon capacity and one stone chipper minimum 10 foot spread hopper width. All equipment will be with operators.

Department: Transportation
Location: Various locations within Clearfield County 0220
Duration: July 1, 1997 to June 30, 2000
Contact: Grover C. Beightol, (814) 765-0492

Miscellaneous—39

MU331 Mansfield University is seeking to upgrade its water system in compliance with the Federal Safe Drinking Water Act (SDWA) of 1974. The water plant is located at the Corey Creek requires the installation of a complete chemical feed system intended to control lead and copper corrosion of the above water filtration plant. The installation shall include all piping, metering pump, pipe supports, secondary containment basin, wall and floor penetrations, pipe seals, mounting brackets, and electrical work. Bid packages will be available from March 24th through April 1st. A bid package deposit of \$15.00 is required, non-refundable. Checks should be made out to Mansfield University and should be mailed to the attention Peg Chapel, Purchasing Department, Mansfield University, Brooks Maintenance Building, Mansfield, PA 16933. Pre-bid conference April 8, 1997 at 10 a.m., Brooks Maintenance Building. Bid Opening April 15th at 2 p.m. Bonding is required for this project. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Mansfield University, Mansfield, PA 16933
Duration: 61 days after notice to proceed
Contact: Peg Chapel, (717) 662-4148

9999-3500-000 Contractor shall provide a maintenance service to include preventative maintenance, repair parts and emergency service for the entire institutional telephone network to exclude incoming service/trunk lines.

Department: Corrections
Location: State Regional Correctional Facility—Mercer, 801 Butler Pike, Route 258 South, Mercer, PA 16137-9651
Duration: December 18, 1997 to June 30, 1998
Contact: Guy Harper, (412) 662-1837, ext. 123

FM 08779606 Contractor to supply all labor, tools, equipment, materials and appurtenances to install new bituminous paving in areas shown on the drawings and specifications to be included with bid package. Complete bid package can be obtained from the Purchasing Office of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: Ninety (90) days from effective date of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

FM 08779605 Contractor to provide all labor, tools, equipment, materials and appurtenances to install new bituminous paving in areas of Buildings No. 1, No. 2 and No. 3 of the Ebensburg Center. Complete bid specifications can be obtained from the Purchasing Office of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: Ninety (90) days from effective date of contract
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

PGC 2545 The PA Game Commission, Southeast Region, is soliciting bids for the pick-up and disposal of dead deer on or along highways within Bucks County. Bidders are required to attend a pre-bid conference, to be held at Southeast Region Office of the PA Game Commission, on April 10, 1997, beginning at 10:00 a.m. For a bid package or directions to the Southeast Region Office call (610) 926-3136.

Department: Game Commission
Location: Bucks County on or along roadways
Duration: 07-01-97 through 06-30-98 (with an option to extend 2 years)
Contact: Doug Killough, S.E. Region Office, (610) 926-3136

PGC 2546 The PA Game Commission, Southeast Region, is soliciting bids for the pick-up and disposal of dead deer on or along highways within the northern half of Chester County. Bidders are required to attend a pre-bid conference, to be held at Southeast Region Office of the PA Game Commission, on April 11, 1997, beginning at 10:00 a.m. For a bid package or directions to the Southeast Region Office call (610) 926-3136.

Department: Game Commission
Location: Northern half of Chester County on or along roadways
Duration: 07-01-97 through 06-30-98 (with an option to extend 2 years)
Contact: Doug Killough, S.E. Region Office, (610) 926-3136

RFP 1997.01 The Pennsylvania Commission on Crime and Delinquency is seeking a qualified evaluation researcher to assess aftercare (parole) services provided to delinquent youth released from juvenile correctional facilities. The primary aftercare services of interest are provided by private sector organizations to approximately 200 juveniles per year from Allegheny and Philadelphia Counties who are released from Youth Development Centers and Youth Forestry Camps. These services include monitoring and surveillance of juvenile clients, individual and family counseling, and educational/vocational training. Secondary services of interest, to be analyzed for comparative purposes, include aftercare parole services provided directly by county Juvenile Probation Departments to approximately 600 juveniles per year released from public and private sector institutions. The proposed evaluation will document the services provided to the juveniles, determine if juveniles' behavior and adjustment during the aftercare period are related to the level of aftercare services they receive, and determine if there are significant differences in the focus and/or quality of aftercare services provided by private organizations under contract, as compared to services provided directly by juvenile probation departments. Approximately \$50—100,000 in Federal funds have been allocated for this project. The PCCD is an equal opportunity employer.

Department: Executive Office
Location: Pennsylvania Commission on Crime and Delinquency; Statewide
Duration: One year
Contact: Henry Sontheimer, (717) 787-5152, ext. 3032

[Pa.B. Doc. No. 97-502. Filed for public inspection March 28, 1997, 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
1260226-01	03/12/97	Sprint United Telephone	6,996.00
1323156-01	03/12/97	J. H. Zerbey Newspapers, Inc. (The Pottsville Republican)	11,700.00
1353206-01	03/12/97	Stop Stick LLC	277,140.00
1440206-01	03/12/97	InframeTrics, Inc.	110,800.00
1490126-01	03/12/97	Augmentative Communications Consultants, Inc.	5,680.00
1492126-01	03/12/97	Sentient Systems Technology, Inc.	9,320.00
1519206-01	03/12/97	Meissner Chev/Geo/Olds, Inc.	399,735.00
1546046-01	03/12/97	University of Georgia	19,750.00
1557356-01	03/12/97	Tekran, Inc.	33,640.00
1560116-01	03/12/97	Asgrow Seed Co.	30,700.00
1560116-02	03/12/97	Centre Hall Farm Store	9,921.00
1590116-01	03/17/97	Pennsylvania Police Supply, Inc.	9,144.83
1602206-01	03/12/97	Kustom Signals, Inc.	44,280.06

Requisition or Contract #	Awarded On	To	In the Amount Of
1610206-01	03/12/97	Moore Business Forms, Inc.	31,655.00
2599-01	03/21/97	Vehicle Maintenance Program	57,045.90
3610-03	03/17/97	Nashua Corp.	5,000.00
5999-01 (Supplement No. 1)	03/21/97	Sec Industries Battery Co.	50,000.00
5999-01 (Supplement No. 1)	03/21/97	Packaged Electrical Power	50,000.00
5999-01 (Supplement No. 1)	03/21/97	Energy Source Distributing Co.	50,000.00
5999-01 (Supplement No. 1)	03/21/97	Westco	50,000.00
5999-01 (Supplement No. 1)	03/21/97	Consolidated Electrical Dist.	30,000.00
5999-01 (Supplement No. 1)	03/21/97	Dauphin Associates	70,000.00
7313730-01	03/11/97	Dupont Industries	79,571.00
8169120-01	03/12/97	Zoubeck Associates	21,504.00
9140-04	03/17/97	Orris Fuel Service	12,088.00
9140-04	03/17/97	Guttman Oil Company	6,398.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-469. Filed for public inspection March 28, 1997, 9:00 a.m.]