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(Master Transmittal Sheet):**

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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 1996.

40 Pa. Code (Liquor)		234 Pa. Code (Rules of Criminal Procedure)	
Proposed Rulemaking		Adopted Rules	
5	31	300	8
64 Pa. Code (Securities)		1400	13
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204 Pa. Code (Judicial System General Provisions)			
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85	7		
89	7		

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85 AND 89]

Amendments to the Rules of Organization and Procedure of the Board; Notice of Proposed Rulemaking

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering amending its Rules of Organization and Procedure as set forth in Annex A.

The proposed amendments deal with the following subjects:

1. Recusal. Pa.R.D.E. 220 provides for the recusal of members of the Board or hearing committees or special masters under certain circumstances. The Board is proposing to specify in § 85.11 of its Rules the procedures to be followed when such a motion is made.

2. Reinstatement. Pa.R.D.E. 208(g)(1) provides that when the expenses of a formal proceeding are taxed against a respondent-attorney the expenses must be paid within 30 days after the entry of the order taxing the expenses. Pa.R.D.E. 531 provides that a respondent-attorney may not be reinstated until the Lawyers Fund for Client Security has been reimbursed for any disbursements it has made as a result of the conduct of the respondent-attorney. Notwithstanding those rules, the Board has encountered situations where formerly admitted attorneys have sought reinstatement before the taxed costs have been paid or the Lawyers Fund for Client Security has been reimbursed. The Board is accordingly considering amending its Rules to provide expressly that reinstatement may not be sought until all taxed costs have been paid and reimbursement has been made.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before January 22, 1996.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.11. Recusal.

* * * * *

(b) *Procedure for refusal.* Enforcement Rule 220(b) provides that a motion to disqualify a member of the Board

or of a hearing committee or a special master shall be made in accordance with these rules, but the making of such a motion shall not stay the conduct of the proceedings or disqualify the challenged member or special master pending disposition of the motion. **The procedures applicable to a motion for recusal shall be as follows:**

(1) **The motion shall be filed and served in accordance with Subchapter 89A (relating to preliminary provisions).**

(2) **In the case of a motion to disqualify a member of a hearing committee or special master, the motion must be filed within 15 days after the party filing the motion has been given notice of the referral of the matter to the hearing committee or special master.**

(3) **The motion shall be ruled upon by the challenged member or special master.**

(4) **An interlocutory appeal from the decision on the motion, which appeal shall be ruled upon by the Board Chairman, may be filed within five days after the decision on the motion.**

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

§ 89.272. Waiting Period.

* * * * *

(b) *Premature petitions.* Unless otherwise provided in an order of suspension or disbarment, the Board will not entertain a petition for reinstatement filed more than nine months prior to the expiration of the period set forth in subsection (a), or of the suspension, as the case may be. **The Board will also not entertain a petition for reinstatement filed before the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).**

* * * * *

§ 89.273. Procedures for reinstatement.

* * * * *

(b) *Attorneys suspended for less than one year.* Enforcement Rule 218(f) provides that:

(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the suspended attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Chapter 91 Subchapter E (relating to formerly admitted attorneys), the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of suspension or disbarment.

(2) If other formal disciplinary proceedings are then pending or have been authorized against the formerly admitted attorney, paragraph (1) shall not be applicable and such person shall file a petition for reinstatement.

(3) A verified statement may not be filed under paragraph (1) until the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).

* * * * *

§ 89.274. Notice of reinstatement proceedings.

(a) General rule. The Office of the Secretary shall forward a copy of the petition for reinstatement and Form DB-30 (Reference for Reinstatement Hearing) to:

* * * * *

(6) The Executive Director of the Lawyers Fund for Client Security.

§ 89.275. Completion of questionnaire by respondent-attorney.

(a) General rule. If the petition for reinstatement does not have attached thereto a fully completed Form DB-36 (Reinstatement Questionnaire), the Office of the Secretary shall forward to the formerly admitted attorney four copies of Form DB-36 which shall require such attorney to set forth fully and accurately the following information and such other information as the Office of Disciplinary Counsel may require:

* * * * *

(16) An itemization of any costs taxed under § 89.209 (relating to expenses of formal proceedings) and any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement), and a statement that all of those amounts have been paid in full.

(17) A concise statement of facts claimed to justify reinstatement to the bar of this Commonwealth.

* * * * *

[Pa.B. Doc. No. 96-1. Filed for public inspection January 5, 1996, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 300]

Order Amending Rule 319 and Approving the Comment to Rule 320; no. 201; doc. no. 2

Order

Per Curiam:

Now, this 22nd day of December, 1995, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published in the Pennsylvania Bulletin (Vol. 21 at 2246 et seq.) and in the Atlantic Reporter (Second Series Advance Sheets Vol. 588, No. 3) before adoption, and a Final Report to be published with this Order;

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- 1) Rule 319 is hereby amended; and
2) The Comment to Rule of Criminal Procedure 320 is hereby approved, all in the form as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1996.

Mr. Justice Montemuro is sitting by designation.

The Criminal Procedural Rules Committee has prepared a Final Report explaining the changes which are the subject of the Court's Order. The Final Report follows the Court's Order.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 300. PRETRIAL PROCEEDINGS

Rule 319. Pleas and plea agreements.

(a) Generally.

(1) Pleas shall be taken in open court.

(2) A defendant may plead not guilty, guilty, or, with the consent of the [court] judge, nolo contendere. [The judge may refuse to accept a plea of guilty, and shall not accept it unless he determines after inquiry of the defendant that the plea is voluntarily and understandingly tendered. Such inquiry shall appear on the record.] If the defendant [shall refuse] refuses to plead, the [court] judge shall enter a plea of not guilty on the defendant's behalf.

(3) The judge may refuse to accept a plea of guilty, and shall not accept it unless the judge determines after inquiry of the defendant that the plea is voluntarily and understandingly tendered. Such inquiry shall appear on the record.

(b) Plea agreements.

[(1) The trial judge shall not participate in the plea negotiations preceding an agreement.]

[(2)] (1) When counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement [Thereupon the], unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and the attorney for the Commonwealth, that specific conditions in the agreement be placed on the record in camera and the record sealed.

(2) The judge shall conduct [an] a separate inquiry of the defendant on the record to determine whether [he] the defendant understands and [concurs in] voluntarily accepts the terms of the plea agreement on which the guilty pleas is based.

[(3) If the judge is satisfied that the plea is understandingly and voluntarily tendered, he may accept the plea. If thereafter the judge decides not to concur in the plea agreement, he shall permit the defendant to withdraw his plea.]

(c) Murder cases.

In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty to a charge of murder generally, the judge before whom the plea was entered shall alone determine the degree of guilt.

Official Note: Paragraph (a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective [**thirty**] **30** days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised form March 28, 1973, effective immediately; amended June 29, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraph (c) added and Comment amended May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; **amended December 22, 1995, effective July 1, 1996.**

Comment

The purpose of paragraph (a)(2) is to codify the requirement that the judge, on the record, ascertain from the defendant that the guilty plea is voluntarily and understandingly tendered. On the mandatory nature of this practice, see *Commonwealth v. Ingram*, [**455 Pa. 198,**] 316 A.2d 77 (Pa. 1974); *Commonwealth v. Campbell*, [**451 Pa. 465,**] 304 A.2d 121 (Pa. 1973); *Commonwealth v. Jackson*, [**450 Pa. 417,**] 299 A.2d 209 (Pa. 1973).

It is difficult to formulate a comprehensive list of questions a judge must ask of a defendant in determining whether the judge should accept the plea of guilty. Court decisions [**constantly**] may add areas to be encompassed in determining whether the defendant understands the full impact and consequences of [**his**] the plea, but is nevertheless willing to enter that plea. [**However, at**] At a minimum the judge should ask questions to elicit the following information:

- (1) Does the defendant understand the nature of the charges to which he **or she** is pleading guilty?
- (2) Is there a factual basis for the plea?
- (3) Does the defendant understand that he **or she** has the right to trial by jury?
- (4) Does the defendant understand that he **or she** is presumed innocent until [**he is**] found guilty?
- (5) Is the defendant aware of the permissible range of sentences and/or fines for the offenses charged?
- (6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

Inquiry into the above six areas is mandatory during a guilty plea colloquy[,] under *Commonwealth v. Willis*, [**471 Pa. 50,**] 369 A.2d 1189 (Pa. 1977), and *Commonwealth v. Dilbeck*, [**466 Pa. 543,**] 353 A.2d 824 (Pa. 1976).

Many, though not all, of the areas to be covered by such questions are set forth in a footnote to the Court's opinion in *Commonwealth v. Martin*, [**445 Pa. 49, 54—56,**] 282 A.2d 241, 244—245 (Pa. 1971), in which the colloquy conducted by the trial judge is cited with approval. See also *Commonwealth v. Minor*, [**467 Pa. 230,**] 356 A.2d 346 (Pa. 1976), and *Commonwealth v. Ingram*, [**455 Pa. 198,**] 316 A.2d 77 (Pa. 1974). As to the requirement that the judge ascertain that there is a factual basis for the plea, see *Commonwealth v. Jackson*, [**450 Pa. 417,**] 299 A.2d 209 (Pa. 1973) and *Commonwealth v. Maddox*, [**450 Pa. 406,**] 300 A.2d 503 (Pa. 1973).

It is advisable that the judge [**should**] conduct the examination of the defendant. However, paragraph (a) does not prevent defense counsel or the attorney for the Commonwealth from conducting part or all of the examination of the defendant, as permitted by the judge. In addition, nothing in the rule would preclude the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the plea proceedings. This written colloquy would have to be supplemented by some on-the-record oral examination. Its use would not, of course, change any other requirements of law, including these rules, regarding the prerequisites of a valid guilty plea.

[Paragraph (b) is intended to alter the process of what is commonly known as "plea bargaining" so as to make it a matter of public record and to insure that it does not involve prejudicing or compromising the independent position of the judge. See *Commonwealth v. Alvarado*, 442 Pa. 516, 276 A.2d 526 (1971); *Santobello v. New York*, 404 U. S. 257, 92 S.Ct. 495, 30 L.Ed.2d 427 (1971); *Commonwealth v. Wilkins*, 442 Pa. 524, 277 A.2d 341 (1971); *Commonwealth v. Evans*, 434 Pa. 52, 252 A.2d 689 (1969); cf. *Commonwealth v. Scoleri*, 415 Pa. 218, 202 A.2d 521 (1964); A.B.A. Minimum Standards Relating to Pleas of Guilty § 3.3(a), at 71-74 (Approved Draft 1968); President's Commission on Law Enforcement and the Administration of Justice, "The Challenge of Crime in a Free Society" at 134 (1967).]

The "terms" of the plea agreement, referred to in [subparagraph] paragraph (b) [(2)] (1), frequently involve the attorney for the Commonwealth—in exchange for the defendant's plea of guilty, and perhaps for the defendant's promise to cooperate with law enforcement officials—promising [**such**] concessions **such** as a reduction of a charge to a less serious offense, [**or**] the dropping of one or more additional charges, [**or**] a recommendation of a lenient sentence, or a combination of these. In any event, paragraph (b) is intended to [**assure**] insure that all terms of the [**quid pro quo**] agreement are openly acknowledged for the [**court's**] judge's assessment. See, e.g., *Commonwealth v. Wilkins*, 277 A.2d 341 (Pa. 1971).

The 1995 amendment deleting former paragraph (b)(1) eliminates the absolute prohibition against any judicial involvement in plea discussions in order to align the rule with the realities of current practice. For example, the rule now permits a judge to inquire of defense counsel and the attorney for the Commonwealth whether there has been any discussion of a plea agreement, or to give counsel, when requested, a reasonable period of time to conduct such a discussion. Nothing in this rule, however, is intended to permit a judge to suggest to a defendant, defense counsel, or the attorney for the Commonwealth, that a plea agreement should be negotiated or accepted.

Under paragraph (b)(1), upon request and with the consent of the parties, a judge may, as permitted by law, order that the specific conditions of a plea agreement be placed on the record in camera and that portion of the record sealed. Such a procedure does not in any way eliminate the obligation of the attorney for the Commonwealth to comply in a timely manner with Rule 305 and the constitutional mandates of *Brady v. Maryland*, 373

U. S. 83 (1963), and its progeny. Similarly, the attorney for the Commonwealth is responsible for notifying the cooperating defendant that the specific conditions to which the defendant agreed will be disclosed to third parties within a specified time period, and should afford the cooperating defendant an opportunity to object to the unsealing of the record or to any other form of disclosure.

When a guilty plea includes a plea agreement, the 1995 amendment to paragraph (b)(2) requires that the judge conduct a separate inquiry on the record to determine that the defendant understands and accepts the terms of the plea agreement. See *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991).

Former paragraph (b)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See (a)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 320. As provided in Rule 320, it is a matter of judicial discretion and caselaw whether to permit or direct a guilty plea to be withdrawn. See also *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991) (the terms of a plea agreement may determine a defendant's right to withdraw a guilty plea).

Paragraph (c) reflects a change in Pennsylvania practice, which formerly required the judge to convene a panel of three judges to determine the degree of guilt in murder cases in which the imposition of a sentence of death was not statutorily authorized.

[Paragraph (b)(3) requires the judge to permit the defendant to withdraw a plea the judge has accepted when the judge is unable to comply with a plea agreement on which the plea was based. See Rule 320.

When a plea agreement has been negotiated, there must be an inquiry in order to determine whether the plea is made voluntarily and understandingly. However, the terms of the plea agreement should be stated in the record and it should be made clear that the defendant understands the nature and effect of the agreement.

The addition of paragraph (c) changes prior practice in Pennsylvania. Under prior Rule 319A (suspended effective November 1, 1976) the judge could convene a panel of three judges to determine the degree of guilt in murder cases in which the imposition of a sentence of death was not statutorily authorized.]

Committee Explanatory Reports:

Final Report explaining the December 22, 1995 amendments published with the Court's Order at 26 Pa.B. 10 (January 6, 1996).

Rule 320. Withdrawal of Plea of Guilty.

At any time before sentence, the court may, in its discretion, permit or direct a plea of guilty to be withdrawn and a plea of not guilty substituted.

Official Note: Adopted June 30, 1964, effective January 1, 1965; Comment added June 29, 1977, effective September 1, 1977; Comment revised March 22, 1993, effective January 1, 1994; Comment deleted August 19,

1993, effective January 1, 1994; new Comment approved December 22, 1995, effective July 1, 1996.

Comment

When a defendant withdraws a guilty plea under this rule and proceeds with a non-jury trial, the court and the parties should consider whether recusal might be appropriate to avoid prejudice to the defendant. See, e.g., *Commonwealth v. Pierce*, 527 A.2d 973 (Pa. 1987).

For a discussion of plea withdrawals when a guilty plea includes a plea agreement, see the Comment to Rule 319.

Committee Explanatory Reports: Final Report explaining the March 22, 1993 amendments published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the new Comment approved on December 22, 1995 published with the Court's Order at 26 Pa.B. 10 (January 6, 1996).

FINAL REPORT

Amendments to Pa.R.Crim.P. 319—New Comment to Pa.R.Crim.P. 320: Judicial Involvement in Plea Agreements; Sealing of Plea Agreements; Withdrawal of Plea Agreements: Recusal

Introduction

On December 22, 1995, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania adopted amendments to Rule of Criminal Procedure 319 (Pleas and Plea Agreements) and approved a new Comment to Rule 320 (Withdrawal of Plea of Guilty). One amendment to Rule 319(b) eliminates the absolute prohibition contained in former subsection (b)(1) against any judicial involvement in plea agreements. In the Comment, a paragraph which addressed this prohibition has been deleted, and an extensive cautionary discussion has been added to provide specific guidance on the degree to which judicial involvement in the plea agreement process is appropriate. Another amendment to Rule 319(b) permits, for good cause and with the consent of all parties, the sealing of specific conditions in plea agreements. See new subsection (b)(1). The Comment addresses the discovery and notice requirements which must be observed if this new procedure is utilized. Finally, the new Comment to Rule 320 (Withdrawal of Plea of Guilty) alerts the parties to consider whether recusal might be appropriate when a defendant elects a waiver trial after withdrawing a guilty plea, citing *Commonwealth v. Pierce*, 527 A.2d 973 (Pa. 1987).

This Final Report replaces the original explanatory Report¹ by which the Committee sought comments on the proposal, and not only contains all relevant portions of the earlier Report, but also explains the changes which were made to the proposal after publication.²

Discussion

Guilty plea procedures have been the focus of Committee discussions with considerable frequency. Most recently, communications from lawyers and judges suggested that the Committee reevaluate the procedures provided in Rules 319 and 320, with a view to permitting some judicial involvement in guilty plea agreements.

The Committee's consideration of whether the rules should permit some limited judicial involvement in plea

¹21 Pa.B. 2246 (May 11, 1991) and *Atlantic Reporter* (Second Series Vol. 588, No. 3).

²Please note: the Supreme Court does not adopt the Committee's Comments or the contents of this Final Report. Also note that the Final Report should not be confused with the official Committee Comments which follow the rules.

agreements generated two additional issues: whether the rules should expressly provide procedures for sealing portions of a plea agreement in order to protect a defendant or an ongoing investigation, and whether there should be a specific provision for recusal when a defendant has withdrawn a guilty plea and elects to be tried before a judge alone. Although these three areas overlap somewhat, the Committee's work on each involved different considerations and different aspects of the rules.

A. *Judicial Involvement in Plea Negotiations*

Prior to the 1972 adoption of the plea agreement procedures contained in Rule 319(b), case law forbade any participation by the trial judge prior to the offering of a guilty plea, an approach which mirrored the ABA standards then in effect. See *Commonwealth v. Evans*, 252 A.2d 689 (Pa. 1969), citing A.B.A. Minimum Standards, Pleas of Guilty, § 3.3 (Tent. Draft, February, 1967). Despite this prohibition, judges were clearly involved in the plea agreement process.

It has been a frequent practice in Pennsylvania for countless years for a defendant's attorney and the District Attorney and the trial judge to have a conference and in many cases agree on a plea and sentence. Provided this conference is requested by the defendant's attorney and the district attorney is present throughout all these conferences and the agreement was fairly arrived at—and not by chicanery, partiality, politics, or compulsion or concealment of material facts as to each and all of which the burden of proof would be on the defendant—it would result in greatly shortening the time of trial and eliminating the practical possibility that a guilty man may be acquitted. *Id.*, at 252 A.2d 689, 692, Bell, C.J., dissenting (emphasis in original).

Although the courts did not want to proscribe plea bargaining completely, there was great concern about the sensitive and potentially coercive nature of plea bargaining practices. Due process considerations made distinctions between advice to the defendant from defense counsel, bargaining between defense and prosecuting attorneys, and discussions with the judge who ultimately determines the length of sentence imposed.

In 1972, the Supreme Court amended Rule 319 to add a section covering plea agreement procedures, including, inter alia, a provision in paragraph (b)(1) that the "trial judge shall not participate in the plea negotiations preceding an agreement." In general, this early amendment was intended to recognize existing practices while regulating procedures in order to protect the integrity of judges and the rights of defendants. Central to the plea agreement provisions in Rule 319 was the ongoing concern that the slightest judicial involvement in guilty plea negotiations would not only compromise the independent position of the sentencing judge but also taint the voluntariness of the defendant's plea.

The intended scope of the prohibition in paragraph (b)(1), however, was far from clear, and our review of the rule's history failed to provide an explanation of what the original drafters meant by "participate." We therefore examined the approaches in other jurisdictions. We considered the relevant statutes and/or rules in every state, and reviewed numerous secondary materials, including the 1982 A.B.A. Standards on Criminal Justice, Standard 14-3.3, "Responsibilities of the Judge," and an extensive presentation of the arguments for and against judicial involvement in plea agreements. See Bond, *Plea Bargaining and Guilty Pleas*, Clark Boardman (2d Ed., 1982).

During the course of our discussions, countless questions were raised and debated. Should a plea conference

be formalized in the rules? Should the judge be permitted to initiate a plea negotiation? Should any absolute time limits be placed on negotiations? If a judge has been involved in negotiations, in whatever degree, and the negotiations fail, should the same judge preside at trial, or should there be a procedure for assigning the trial to a different judge? If the rules are amended to permit greater judicial participation, should all discussions involving a judge's participation be on the record, even if the discussion takes place in chambers? If the rules permit judicial involvement, how much procedural detail should they include? Conversely, what are the dangers of painting with a broad brush?

Our analysis convinced us that there was considerable merit to permitting some judicial involvement in plea negotiations, although the very same due process concerns that had been raised even before the adoption of the Rule 319(b) plea agreement procedures—the impact of judicial "coercion" on the voluntariness of a plea—were again voiced by various Committee members. On the one hand, removing the absolute prohibition against judicial involvement in the plea process made good sense if it would encourage new judges to assist in the plea agreement process—judges who, we were told, would not do so absent an express provision in the rules. Furthermore, if a particular guilty plea is an appropriate resolution for a defendant and for the Commonwealth, permitting some judicial involvement could provide a neutral catalyst for discussion between parties who have reached an impasse. A third advantage considered was that by removing from the rule the absolute prohibition against judicial involvement, the rule would more accurately reflect the responsibility shared by the judge and the attorney for the Commonwealth when a plea agreement is finally accepted. Appropriately handled, in our view, judicial involvement in plea agreements could help the parties reach a fair result without compromising the independent role of the judge.

Committee members nevertheless approached a possible change in the rules permitting judicial involvement in plea agreements with healthy skepticism. Opening the door to greater judicial involvement could create the risk, in some cases, that a judge might force one or both sides into a plea agreement for any number of inappropriate reasons—to avoid a protracted trial or sidestep a decision on a controversial issue, for example. Yet we knew that a rule which primarily sought to guard against the rare situation in which the spirit of the rule is abused would not only offend most judges in Pennsylvania, for whom such proscriptions are unnecessary, but would also result in the rule's demise. Unnecessary burdens placed on the parties and the judge by detailed requirements would quickly outweigh the utility of any judicial involvement.

The Committee finally concluded that the advantages of permitting some judicial involvement in guilty pleas clearly outweighed any potential for abuse. Rule 319 has therefore been amended to eliminate the provision in paragraph (b)(1) prohibiting judicial participation in plea negotiations preceding an agreement. The revised Comment explains that judicial involvement is no longer absolutely prohibited, but cautions that a judge must not suggest to a defendant, defense counsel, or the attorney for the Commonwealth that a plea agreement should be negotiated or accepted.

B. *Withdrawal of Guilty Pleas: Recusal*

Once the Committee agreed to amend Rule 319 to permit some form of judicial involvement in guilty plea agreements, we reviewed the guilty plea rules generally,

looking for problem areas that might arise if the proposed amendment were adopted. One of the procedural issues which we felt should be addressed in this proposal concerned the propriety of a judge's recusal when a defendant elects a waiver trial after withdrawing a guilty plea. Although there is no per se prohibition against a plea judge's presiding over a waiver trial after a plea has been withdrawn, *Commonwealth v. Pierce*, 527 A.2d 973 (Pa. 1987) (overruling *Commonwealth v. Badger*, 393 A.2d 642 (Pa. 1978)), the Committee felt that if Rule 319 were amended to permit judicial involvement in the plea agreement process, the issue of recusal might arise more frequently. We therefore decided that a cautionary Comment to Rule 320 should be added to alert judges and attorneys that in cases where a defendant might be prejudiced if the plea judge presides at the non-jury trial, counsel should consider moving for the judge's recusal.

C. Sealing of Specific Conditions of Plea Agreements

Another question raised during our discussion of judicial involvement in plea agreements was whether Rule 319 should permit the sealing of plea agreements. This issue was the logical outgrowth of our general examination of the relationship between Rule 319 procedures and current practice: judges, prosecutors, and defense counsel already use a variety of informal methods in this sensitive area to effectuate plea agreements involving a defendant's cooperation with the Commonwealth or an ongoing investigation. Committee members were troubled by the inconsistencies among the various local approaches, and expressed concern that, without some clear guidance from the rules as to how, when, and for how long portions of a plea agreement may be sealed, serious problems might arise in two areas, first amendment public access and Brady issues.

Under first amendment case law, the press and public have a right of access to court proceedings and documents generally. See, e.g., *United States v. Criden*, 648 F.2d 814 (3rd Cir. 1981); *Richmond Newspapers, Inc. v. Virginia*, 448 U. S. 555 (1980) (plurality opinion); *Gannett Co. v. De Pasquale*, 443 U. S. 368 (1979). This right of access extends to plea agreements, *Oregonian Pub. v. U. S. Dist. Court for Dist. of Or.*, 920 F.2d 1462 (9th Cir. 1990). However, as with other first amendment issues arising in the criminal justice context, the right is not absolute. *Id.* A competing tradition permits the courts, in the exercise of their supervisory powers, to balance the right to public trials against the defendant's need for a fair trial and the court's need to restrict public access to court proceedings or court documents when countervailing interests in the administration of justice come into play, such as the protection of informants, the protection of an ongoing investigation, or the protection of a proceeding from unfair pretrial publicity. *Nixon v. Warner Communications, Inc.*, 435 U. S. 589 (1978).

In view of the case law's recognition of these competing concerns, we concluded that Rule 319 could be amended to provide a procedure for sealing portions of plea agreements, but debated at length whether such an amendment should be made, for we saw that discovery and impeachment problems might arise when the contents of a sealed plea agreement became material to the cooperating defendant's/Commonwealth witness' credibility in another defendant's case.

In order to determine whether to permit the sealing of plea agreements at all, the Committee examined the most likely situation—when a plea agreement contemplates a defendant's cooperation with the Commonwealth and is sealed—and considered the competing concerns of the

parties. 1) A defendant desires to plead guilty and cooperate with the Commonwealth in return for concessions, but wants the agreement sealed in order to be protected from those against whom the defendant will be working or testifying. 2) The attorney for the Commonwealth prosecuting the defendant wants the pertinent portions of the agreement sealed either to protect the defendant as a witness or informant for a later case or cases, or to shield an ongoing investigation from public exposure, or both. 3) A "third party" defendant who may not know of a plea agreement between a Commonwealth witness and the Commonwealth, or who may not know that a cooperating defendant/witness exists at all, may have a right to know of the agreement and the identity of the cooperating defendant under Rule 305 and Brady. In this context, the attorney for the Commonwealth will be obligated at some point to disclose the agreement to the "third party" defendant.

These competing interests raised a number of other questions. At what point should a "third party" defendant learn of the agreement's existence? Must the attorney for the Commonwealth move to have the record unsealed? Is the attorney for the Commonwealth required to notify the cooperating defendant that soon the sealed agreement will no longer be protected?

We were well aware that, without proper limits, a rule providing for sealing guilty plea agreements might encourage unwarranted secrecy. In fact, we were troubled by reports that under current practice, plea agreements were too frequently formalized by a mere wink and a nod in order to shield the nature of the agreement from public exposure. On the other hand, we also knew that a rule which permitted judicial involvement in plea agreements but continued to be silent on the issue of sealed plea agreement would be interpreted by new judges as precluding the sealing of plea agreements altogether—in spite of local "informal" practices to the contrary.

Having weighed the advantages and disadvantages of the competing interests and identified the related issues involved in sealing plea agreements, we concluded that Rule 319 should permit the sealing of portions of a plea agreement, for good cause shown and with the consent of the parties.

In order to address the various considerations discussed above, Rule 319(b)(2), renumbered (b)(1), has been amended to provide that once a plea agreement is reached, the terms of the agreement must be stated on the record in open court, unless the judge orders, for good cause shown and with the consent of the parties, that specific conditions in the agreement be placed on the record in camera and the record sealed. The proposed Comment revision explains that these sealing procedures do not eliminate the obligation of the attorney for the Commonwealth to comply in a timely manner with Rule 305 and *Brady v. Maryland*, 373 U. S. 83 (1963). The Comment also notes that the attorney for the Commonwealth must 1) notify the cooperating defendant in a timely manner that the terms of the agreement sealed pursuant to Rule 319(b)(1) are to be disclosed to one or more third parties; and 2) afford the cooperating defendant an opportunity to object to the unsealing of the record or to any other form of disclosure of the plea agreement.

D. Changes Made after Publication

(1) Responses to Publication. The responses to the original proposal were extensively reviewed by the Committee, and the consensus was that no modification of the

original proposal was required in light of this correspondence because the issues raised had been thoroughly researched, debated, and resolved before publication. In particular, respondents questioned the constitutionality of the in camera and sealing procedures in proposed new subsection (b)(1). This specific issue was not only discussed at length by the Committee prior to publication, but is directly addressed in the Comment, which makes it clear that these procedures are subject to the limitations imposed by case law:

Under paragraph (b)(1), upon request and with the consent of the parties, a judge may, as permitted by law, order that the specific conditions of a plea agreement be placed on the record in camera and that portion of the record sealed. (emphasis added)

(2) Changes in Case Law. During our discussion of the responses to the proposal, the Rule 319 Comment revision citing *Commonwealth v. Porreca*, 567 A.2d 1044 (Pa. Super. 1989), was updated. The original Comment citation to the Superior Court opinion had been included to alert counsel to the procedural pitfalls which arise when a defendant's cooperation is contingent upon the judge's acceptance of all the terms of a plea agreement. Shortly after the Supreme Court reversed the Superior Court's *Porreca* decision, *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991), the Court requested that the Committee review the proposal in light of its *Porreca* opinion. In particular, we took a closer look at the apparent inconsistency between Rules 319(b)(3) and 320. Rule 320 (Withdrawal of Plea of Guilty) leaves to the judge's discretion the determination of whether to permit a plea withdrawal. Rule 319(b)(3), however, appears to limit that discretion by requiring the judge to "permit" the withdrawal of a plea if the judge cannot concur in the plea agreement:

If the judge is satisfied that the plea is understandingly and voluntarily tendered, he may accept the plea. If thereafter the judge decides not to concur in the plea agreement, he shall permit the defendant to withdraw his plea. (emphasis added)

Our analysis of these two provisions led, in turn, to the consideration of whether the rules themselves should address the scope of a judge's discretion to permit a plea withdrawal. In light of the extensive discussion of plea withdrawals in *Porreca* and our reexamination of the case law generally, we concluded that Rule 319(b)(3) should be deleted to eliminate any inconsistency with Rule 320, thereby clearly deferring to the case law on the scope of judicial discretion in this area. The Comment revision addressing this change reads:

Paragraph (b)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See (a)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 320. As provided in Rule 320, it is a matter of judicial discretion and case law whether to permit or direct a guilty plea to be withdrawn. See also *Commonwealth v. Porreca*, 595 A.2d 23 (Pa. 1991) (the terms of a plea agreement may determine a defendant's right to withdraw a guilty plea).

We also agreed, in light of *Porreca*, to amend Rule 319(b)(2) to make it clear that the judge must conduct a separate inquiry to insure that the defendant understands and accepts the terms which form the basis of the plea agreement:

The judge shall conduct a [n] **separate** inquiry of the defendant on the record to determine whether [he] **the defendant** understands and [concurs in] **voluntarily accepts the terms of the plea agreement on which the guilty plea is based.**

[Pa.B. Doc. No. 96-2. Filed for public inspection January 5, 1996, 9:00 a.m.]

PART I. GENERAL

[234 PA. CODE CH. 1400]

Revision of Comment to Rule 1405; no. 202; doc. no. 2

Order

Per Curiam:

Now, this 22nd day of December, 1995, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published before adoption at 24 Pa.B. 4074 (August 13, 1994), and in the *Atlantic Reporter* (Second Series Advance Sheets Vol. 643-644), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment to Rule 1405, as revised in the following form, is hereby approved.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 1996.

Mr. Justice Montemuro is sitting by designation.

The Criminal Procedural Rules Committee has prepared a Final Report explaining the Comment revision which is the subject of the Court's Order. The *Final Report* follows the Court's Order.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1400. SENTENCING

Rule 1405. Procedure at Time of Sentencing.

A. Time for Sentencing.

* * * * *

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. **Comment revised December 22, 1995, effective February 1, 1996.**

Comment

* * * * *

It is difficult to set forth all the standards which a judge must utilize and consider in imposing sentence. It is recommended that, at a minimum, the judge look to the standards and guidelines as specified by statutory law. See the Judicial Code, 42 Pa.C.S. § 9701 et seq. See also *Commonwealth v. Riggins*, 377 A.2d 140 (Pa. 1977) and *Commonwealth v. Devers*, 546 A.2d 12 (Pa. 1988).

In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

* * * * *

Committee Explanatory Reports: Final Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the 1995 amendment to paragraph C(3) published with the Court's Order at 25 Pa.B. 236 (January 21, 1995).

Final Report explaining the September 13, 1995 amendments **concerning bail** published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the December 22, 1995 Comment revision on restitution published with the Court's Order at 26 Pa.B. 14 (January 6, 1996).

FINAL REPORT

Revision of Rule 1405 Comment

Imposition of Restitution at Time of Sentencing

I. Introduction

On December 22, 1995, upon the recommendation of the Criminal Procedural Rules Committee,¹ the Supreme Court of Pennsylvania approved a revision of the Comment to Rule 1405 (Sentencing). The new Comment language makes it clear that at the time of sentencing, the judge must state on the record either the amount of restitution, if determined at the time of sentencing, or the basis for determining the amount.

II. Discussion

A. Background

The issue of restitution arose when the Committee was asked to consider amending Rule 1405 to address the issue of restitution in cases involving multiple defendants. Although the Committee believes that the apportioning of restitution—the issue of joint and several restitution liability—is a substantive one, we concluded that it would be useful to examine the procedures by which judges determine the amount of restitution for sentencing purposes.

Early on, our discussion of restitution procedures included a review of 18 Pa.C.S. § 1106(c), which can be read to require that the judge order restitution as part of the order imposing sentence and that the specific amount of restitution must be ordered.²

(c) Authority of sentencing court.—In determining whether to order restitution as a part of the sentence or as a condition of probation or parole, the court:

(1) Shall consider the extent of injury suffered by the victim and such other matters as it deems appropriate.

(2) May order restitution in a lump sum, by monthly installments or according to such other schedule as it deems just, provided that the period of time during which the offender is ordered to make restitution shall not exceed the maximum term of imprisonment to which the offender could have been sentenced for the crime of which he was convicted.

(3) May at any time alter or amend any order of restitution made pursuant to this section providing, however, that the court state its reasons and conclusions as a matter of record for any change or amendment to any previous order.

We also reviewed the prompt sentencing provisions of Pa.R.Crim.P. 1504A and considered the degree to which the rule's time limits would be compromised if sentencing had to be delayed until the specific amount of restitution could be determined, noting that the Legislature appeared to have recognized the need for flexibility by including a section permitting the sentencing judge to alter or amend the restitution order, 18 Pa.C.S. § 1106(c)(3).

In comparing our collective experience as judges, prosecutors, and lawyers, we agreed that the determination of the restitution amount cannot always be completed consistent with prompt sentencing. For example, some victims will incur medical expenses related to the crime months after sentence is imposed. On the other hand, it became increasingly clear during our discussion that the prompt imposition of sentence was a primary factor to be considered when evaluating possible procedural requirements for determining restitution. Present practice reflects these competing considerations. We learned that in some judicial districts, the amount of restitution is invariably made part of the record of the sentencing proceeding. In other judicial districts, however, if the specific amount of restitution is not available at the time of sentencing, the probation/parole department is given the responsibility for determining the amount after sentence is imposed. Although some of us felt strongly that permitting the county department of probation and parole to determine the amount of restitution was specifically disapproved by case law, others were sympathetic with the logistical/practical reasons giving rise to such procedures.

Ultimately, because judicial districts appear to be using procedures which work and which comply with the spirit, if not the letter, of the statute, the Committee concluded that an amendment to the text of the rule which mapped out a set of required procedures for determining the exact amount of restitution at or before sentencing was not necessary. However, we did agree that the Comment should make it clear that the sentencing judge must control the method by which that determination is made. The new language appears in the "Sentencing Procedures" section of the Rule 1405 Comment and reads:

In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

B. Post-publication review of proposal and statutory developments

We received one letter in response to the proposal. The correspondent thought that the Comment achieved a fair balance between the statutory requirements and practice, but expressed concern that the proposed language might

¹The proposal was published for comment at 24 Pa.B. 4074 (August 13, 1994).

²When this proposal was being developed, 18 Pa.C.S. § 1106(c) had not been amended by Act No. 1995-12 (SS1).

run afoul of case law limiting a sentencing judge's ability to delegate sentencing decisions to a probation department, citing *Commonwealth v. Kioske*, 487 A.2d 420 (Pa. Super. 1985) and *Commonwealth v. Erb*, 428 A.2d 574 (Pa. Super. 1981). Although the Committee had considered this issue during the development of the proposal, as discussed above, we reviewed the correspondent's concerns and concluded that no changes to the proposed language should be made, because we believe that the Comment revision adequately addresses the problem. As long as the sentencing judge controls the method by which the amount of restitution is to be determined, the Committee believes that the "sentencing decision" is not being delegated.

While the proposal was being prepared for submission to the Court, legislation was introduced¹ amending, *inter alia*, 18 Pa.C.S. § 1106(c). Because this was a key statutory provision considered during the development of this proposal, we held up submission of the proposal to the Court in order to review the legislation in final form.²

As amended, 18 Pa.C.S. § 1106(c) reads:

(c) Mandatory restitution.—

(1) The court shall order full restitution:

(i) Regardless of the current financial resources of the defendant, so as to provide the victim with the fullest compensation for the loss. The court shall not reduce a restitution award by any amount that the victim has received from the Crime Victim's Compensation Board or other governmental agency, but shall order the defendant to pay any restitution ordered for loss previously compensated by the board to the Crime Victim's Compensation Fund or other designated account when the claim involves a government agency in addition to or in place of the board. The court shall not reduce a restitution award by any amount that the victim has received from an insurance company, but shall order the defendant to pay any restitution ordered for loss previously compensated by an insurance company to the insurance company.

(ii) If restitution to more than one person is set at the same time, the court shall set priorities of payment. However, when establishing priorities, the court shall order payment in the following order:

(A) The victim.

(B) The Crime Victim's Compensation Board.

(C) Any other government agency which has provided reimbursement to the victim as a result of the defendant's criminal conduct.

(D) Any insurance company which has provided reimbursement to the victim as the result of the defendant's criminal conduct.

(2) In determining the amount and method of restitution, the court:

(i) Shall consider the extent of injury suffered by the victim and such other matters as it deems appropriate.

(ii) May order restitution in a lump sum, by monthly installments or according to such other schedule as it deems just, provided that the period of time during which the offender is ordered to make restitution shall not exceed the maximum term of imprisonment to which the offender could have been sentenced for the crime of which he was convicted.

(iii) May at any time alter or amend any order of restitution made pursuant to this section providing, however, that the court state its reasons and conclusions as a matter of record for any change or amendment to any previous order.

(iv) Shall not order incarceration of a defendant for failure to pay restitution if the failure results from the defendant's inability to pay.

(v) Shall consider any preexisting orders imposed on the defendant, including, but not limited to, orders imposed under this title or any other title.

Although the amendments to 18 Pa.C.S. § 1106(c) now require the court to order "full" restitution, the Committee concluded that the amendments did not require any substantial alteration of the Comment revision as proposed. If the full amount of restitution is not determined at the time of sentencing, the judge will nevertheless be able to specify how the full amount will be determined. The Committee did agree, however, that the cross-reference to the Judicial Code should be expanded to include 42 Pa.C.S. § 9721 (Sentencing Generally), which has been amended by the Act to make it clear that restitution is mandatory. 42 Pa.C.S. § 9721(c).

[Pa.B. Doc. No. 96-3. Filed for public inspection January 5, 1996, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Day Forward Program: Procedure for Disposition of Major Jury Cases Filed On and After January 2, 1996; Gen. Court Reg. No. 95-2

Activity directed at reducing the number of pending civil cases in the Philadelphia Court of Common Pleas to a manageable level has been ongoing since 1993. Utilizing a three-tiered settlement process and a team-calendaring system, the Court has dramatically reduced the pending major case inventory and shortened the time to disposition; however, success with Day Backward cases will be brief unless a comprehensive system of handling civil litigation is developed which prevents new cases from becoming old cases.

Accordingly, upon due consideration of Rules of Court concerning the establishment of trial lists, the scheduling of pretrial conferences and the imposition of discovery deadlines (see Pa.R.C.P. 212, 4001, et seq., and Phila. Civ.R. ★215 and ★4003.4, et seq.) the Court of Common Pleas hereby establishes trial lists, trial management conferences, pretrial conferences and case management deadlines to properly and expeditiously resolve Major Jury cases, and designates this process as "Day Forward Case Management."

1. *Cases Subject to Day Forward Case Management.* All Major Jury cases commenced on or after January 2, 1996 shall be subject to Day Forward Case Management. A Major Jury case is a "Civil Action—Action at Law" wherein the damages claimed exceed the applicable Arbitration limits, and a jury demand has been timely made and perfected by the payment of the applicable jury listing fee.

This General Court Regulation shall not apply to cases assigned to the following trial lists: "Non-Jury," "Mass

³HB 18 (SS-1).

⁴ACT NO. 1995-12 (SS1), enacted May 3, 1995.

Tort," "Arbitration," "Arbitration Appeals," "Municipal Court Appeals" or "Agency Appeals." This Regulation shall not apply to cases designated as Class Actions, unless Class certification is denied.

2. *Commencement of Action:* All subject actions shall be commenced as provided in Pa.R.C.P. 1007. Philadelphia Civil Rule ★205.2 shall be followed.

All jury trial demands shall be perfected in accordance with Pa.R.C.P. 1007.1 and Phila. Civ.R. ★1007.1

3. *Case Management Conference:* Pursuant to Pa.R.C.P. 212, a Case Management Conference shall be scheduled in every Major Jury case not earlier than ninety (90) days after commencement of the action.

Plaintiff shall serve a copy of the Order scheduling the Case Management Conference on all attorneys of record, and any unrepresented party. When necessary, the Court may require Plaintiff to file an Affidavit of Service with the Prothonotary; but no such filing shall be routinely required.

a. *Presiding Officer:* The Case Management Conference shall be conducted by a Civil Case Manager designated by the Court, acting on behalf of the Day Forward Judicial Team Leader.

b. *Issues to be Addressed:* Pursuant to Pa.R.C.P. 212(b), counsel shall address all relevant issues concerning service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed and applicable defenses.

c. *Failure to Proceed:* If it appears, from the information obtained at the Case Management Conference, that any party has shown a lack of due diligence by failing to proceed with reasonable promptitude, the Civil Case Manager may schedule the matter for a conference or hearing before the Day Forward Judicial Team Leader. The Civil Case Manager may, by Rule to Show Cause, direct any party to proceed with pleadings in accordance with applicable Rules of Civil Procedure, including requiring Plaintiff to serve the initial pleading, to file a Complaint and serve same, or to file a Petition for Alternative Service. Any such Rule to Show Cause shall be returnable before the Day Forward Team Leader.

d. *Transfer to Arbitration:* If it appears, from the information provided to the Civil Case Manager at the Case Management Conference, that the amount at issue does not exceed the applicable arbitration limits, the Civil Case Manager shall refer the case to the Day Forward Judicial Team Leader for determination of whether the case should be transferred to Arbitration pursuant to Pa.R.C.P. No. 1021(d).

4. *Case Management Order:* At the conclusion of the Case Management Conference, a Case Management Order shall issue. The Case Management Order will be based upon the assignment of each case to a specific Case Management Track.

The following Case Management Tracks are hereby established: Expedited Case Management Track, Standard Case Management Track, Complex Case Management Track and Extraordinary Case Management Track. Each case shall be assigned to a Case Management Track in accordance with the presumptive track assignment, established hereby and attached hereto as "Exhibit A." For cause shown, the Case Manager may reassign the case to any appropriate Case Management Track.

The Case Management Order shall establish the applicable deadlines for each particular case in accordance

with the Presumptive Time Standards, established hereby and attached hereto as "Exhibit B." All cases assigned to the Extraordinary Case Management Track shall be scheduled for a conference before the Day Forward Judicial Team Leader; and deadlines shall be imposed upon consideration of the particular facts of each case.

5. *Relief from Deadlines Set Forth in Case Management Order:* Relief from the time requirements of any Case Management Order may be granted only by the Day Forward Judicial Team Leader. Any aggrieved party may file a Petition for Extraordinary Relief with the Prothonotary and Motion Court prior to the deadline that is sought to be changed. The Petition shall be in the form attached hereto as "Exhibit C."

Any adverse party shall have ten (10) days after the filing of the Petition for Extraordinary Relief to file a Response with Motion Court. The Response shall be in the form attached hereto as "Exhibit D." The parties may not extend any Case Management deadline by agreement, without Court approval, obtained by Petition for Extraordinary Relief.

6. *Settlement/Mediation Conference:* The Court shall schedule a Settlement/Mediation Conference in all cases as follows: Expedited Track cases after nine (9) months; Standard Track cases after fourteen (14) months; and Complex Track cases after twenty-one (21) months. Unless already scheduled, a Settlement/Mediation Conference will be expeditiously scheduled by the Court on any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing to the Civil Case Manager.

7. *Pretrial Memorandum:* All counsel and unrepresented parties shall file a Pretrial memorandum as required by the Case Management Order. The Pretrial Memorandum shall contain: A concise summary of the nature of the case, or defense; a list of witnesses, by name and address, of all witnesses the party anticipates calling at trial; a pre-numbered list of all exhibits which the party intends to offer into evidence at trial; the Plaintiff shall list an itemization of the injuries or damages sustained, and all special damages claimed, by category and amount; and Defendant shall identify the applicable insurance carrier, together with applicable limits of liability.

The Pretrial Memorandum shall be served upon all counsel and unrepresented parties contemporaneously with filing. Counsel should expect witnesses and exhibits not listed in the Pretrial Memorandum to be precluded at trial.

8. *Pretrial Conference:* In every case, a Pretrial Conference shall be scheduled by the Court. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered.

9. *Trial Date:* At the conclusion of the pretrial conference, a date shall be established by which the case shall be deemed by the Court to be ready for trial. A date certain trial date, with reasonable notice to the parties, consistent with the "Presumptive Time Standards," will be assigned at or after the Pretrial Conference.

No Continuance requests shall be entertained, except in accordance with Pa.R.C.P. 216, and subject to Pa.R.C.P. 217.

10. *Motions:* The Motion procedure set forth in Phila. Civ.R. ★206.1 and ★206.2 remains unchanged. The exclusive procedure for relief from Day Forward Case Management deadlines is as provided by Petition for Extraordi-

nary Relief filed of record as set forth above and ruled upon by the Day Forward Judicial Team Leader.

11. *Failure to Appear for Scheduled Conferences.* Attendance at all conferences scheduled by the Court is mandatory. If Plaintiff fails to appear, the case may be nonprossed without further notice. In the event any other party fails to appear, the conference shall be held in their absence; and sanctions may be imposed. All requests to reschedule conferences shall be made in writing to the appropriate Team Leader with copies to all parties.

12. *Day Forward Judicial Team Leader.* The Administrative Judge of the Trial Division may, from time to time, designate a Day Forward Judicial Team Leader who shall be responsible for Day Forward Case Management.

This General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme

Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ.R. ★51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division; and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

ALEX BONAVIDACOLA,
Administrative Judge

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[Pa.B. Doc. No. 96-4. Filed for public inspection January 5, 1996. 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Transfer of Attorneys to Inactive Status

The following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 16, 1995, pursuant to Rule 219, Pa.R.D.E. The Order became effective December 16, 1995.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

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

MARY LOU AHLSTROM
Atlanta, GA

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Loudonville, NY

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[Pa.B. Doc. No. 96-5. Filed for public inspection January 5, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 64—SECURITIES

SECURITIES COMMISSION

[64 PA. CODE CH. 203]

Corrective Amendment to 64 Pa. Code § 203.091

The Securities Commission has discovered a discrepancy between the agency text of 64 Pa. Code § 203.091, as deposited with the Legislative Reference Bureau and published at 25 Pa.B. 3994 (September 23, 1995), and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 252) and as currently appearing in the *Pennsylvania Code*. Subsection (c) was not codified.

Therefore, under 45 Pa.C.S. § 901: The Securities Commission has deposited with the Legislative Reference Bureau a corrective amendment to 64 Pa. Code § 203.091. The corrective amendment to 64 Pa. Code § 203.091 is effective as of November 4, 1995, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 64 Pa. Code § 203.091 appears in Annex A, with ellipses referring to the existing text of the regulation.

JOANNA CUMMINGS,
Secretary

Annex A

TITLE 64. SECURITIES COMMISSION

PART I. SECURITIES COMMISSION

CHAPTER 203. EXEMPT TRANSACTIONS

§ 203.091. Equity securities issued by a recording company.

* * * * *

(c) For purposes of this section and the availability of the exemption contained in section 203(i.1) of the act (70 P. S. § 1-203(i.1)), the term "equity security" includes common stock, preferred stock and nondebt securities convertible into common or preferred stock; nontransferable warrants to purchase any of the foregoing; and transferrable warrants exercisable within not more than 90 days of issuance to purchase any of the foregoing.

[Pa.B. Doc. No. 96-6. Filed for public inspection January 5, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5] Events/Tournaments/Contests

The Liquor Control Board (Board) under the authority of section 207(i) of the Pennsylvania Liquor Code (47 P. S. § 2-207(i)), proposes to amend § 5.32 (relating to restrictions/exceptions) as set forth in Annex A.

Purpose of the Proposed Amendment

The proposed amendment will remove current restrictions related to events, tournaments and contests on licensed premises to the extent that hotel, restaurant, club, privately-owned public golf courses, privately-owned private golf courses, municipal golf courses, brew pubs and malt beverage eating place licensees will be permitted to sponsor the activities and award prizes to participants. Governing bodies of professional golf, tennis, skiing and bowling will also be permitted to hold events, tournaments and contests on licensed premises.

Need for the Proposed Amendment

This proposed amendment has been prompted in response to requests from licensees, and from the Pennsylvania Licensed Beverage Association. The proposed changes to § 5.32 will remove current restrictions which generally prohibit licensees (hotel, restaurant, club, privately-owned public golf courses, privately-owned private golf courses, municipal golf courses, brew pubs and malt beverage eating place) from sponsoring events/tournaments/contests on licensed premises. Removal of current restrictions will increase business opportunities for holders of these licenses.

Affected Persons

Those affected by this proposed amendment include holders of restaurant, hotel, club, privately-owned public golf courses, privately-owned private golf courses, municipal golf courses, brew pubs and malt beverage eating place licenses issued by the Board, and the patrons of the licensees' tournaments and contests.

Costs and Paperwork Requirements

This regulatory proposal will impose a slight increase in paperwork upon those affected by virtue of expanded recordkeeping related to winners and prizes. The proposed amendment imposes no additional costs beyond current amusement permit fees as established by statute, section 614A of The Administrative Code of 1929 (71 P. S. § 240.14A).

Effective Date/Sunset Date

This proposed amendment will become effective upon final publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed amendment in the *Pennsylvania Bulletin*. Comments should be addressed to Jerry Danyluk, Regulatory Coordinator, Liquor Control Board, Room 403, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the proposed amendment on December 21, 1995, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Liquor Control and the Senate Committee on Law and Justice. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of this proposed amendment, it will notify the Board by 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 amendment, by the Board, the General Assembly and the Governor, of objections raised.

JOHN E. JONES, III,
Chairperson

Fiscal Note: 54-47. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

§ 5.32. Restrictions/exceptions.

* * * * *

(e) A hotel, restaurant, club, **privately owned public golf course, privately owned private golf course, municipal golf course, brew pub** or malt beverage eating place licensee may not hold or permit to be held, on the licensed premises an event, tournament or contest; nor advertise, offer, award or permit the award, on the licensed premises of trophies, prizes or premiums, for any purpose except as follows:

* * * * *

(3) A hotel, restaurant, club, **privately owned public golf course, privately owned private golf course, municipal golf course, brew pub** or malt beverage eating place licensee may permit the conduct of events on the licensed premises by groups constituting a league. Liquor and malt or brewed beverages, as generally permitted by the class of license involved, may be sold, served or delivered at the events on the licensed premises.

(4) Hotel, restaurant, club, **privately owned public golf course, privately owned private golf course, municipal golf course, brew pub** or malt beverage eating place licensees may permit the conduct of tournaments and contests on the licensed premises for the benefit of, and officially sponsored by, bona fide charitable organizations.

* * * * *

(5) [**Club**] **Hotel, restaurant, club, privately owned public golf course, privately owned private**

golf course, municipal golf course, brew pub and malt beverage eating place licensees may conduct self-sponsored tournaments, events or contests on their own licensed premises **[for the benefit of the club]** so long as the activities are in conformance with the applicable provisions of this subchapter.

(f) For an activity conducted under **[the provisions of]** this subchapter, the following apply:

* * * * *

(6) **[Club] Hotel, restaurant, club, privately owned public golf course, privately owned private golf course, municipal golf course, brew pub and malt beverage eating place licensees, as well as governing bodies of professional golf, skiing, tennis, bowling, pocket billiards** licensees and nonlicensee sponsors as provided in subsection (e) may award prizes to contestants or participants of events, tournaments or contests. **[Hotel, restaurant and malt beverage eating place licensees may only award trophies to a winner of a league competition, event, tournament or contest. There may be no passage of other prizes, monies or the equivalent thereof directly or indirectly between hotel, restaurant or malt beverage eating place licensees and a contestant or participant.]**

(7) **[The licensee, its agents, servants, employes or representatives, may have no financial interest in an event, tournament or contest except for proceeds received from the sale of alcoholic beverages and food and for the proceeds from reasonable facility rental fees.]** The total value of the prizes for a given event, tournament or contest may not exceed the limits as established by the Local Option Small Games of Chance Act (10 P. S. §§ 311—327).

(8) **Golf, skiing, tennis, pocket billiards or bowling events/tournaments/contests and events sanctioned by the State Athletic Commission are exempted from the prize value restrictions set forth in this section.**

(9) **Licensees shall maintain on the licensed premises for 2 years from the date of the event, an itemized list of the prizes for each event/tournament/contest indicating each prize, its value and the name and address of the recipient.**

(g) The restrictions in this section **[may]** apply not only to the licensee, but to partners, officers, directors, servants, agents and employes of a licensee.

[Pa.B. Doc. No. 96-7. Filed for public inspection January 5, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 26, 1995.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

Note: The merger of Fayette Bank, Uniontown, and The Huntington National Bank of Pennsylvania, Uniontown, effective December 14, 1995, listed branches acquired by Fayette Bank as a result of the merger. The following branch location should be changed as it was incorrect as previously listed:

67 W. Church Street
Fairchance
Fayette County

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-22-95	Harris Savings Bank Harrisburg Dauphin County	1161 Mae Street Hummelstown Derry Township Dauphin County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-22-95	Heritage Trust Company Erie Erie County	381 Mansfield Avenue Pittsburgh Allegheny County	Filed

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-8. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Additional 1995-96 Competitively Funded Consumer and Homemaking Education Subgrants

Applications for FY 1995-96 Perkins Act Vocational and Applied Technology Education competitively funded subgrants are herewith solicited for Consumer and Homemaking—Educational Program Improvement.

Eligibility Requirements: LEAs must have a Vocational Consumer and Homemaking program (CIP 20.0101) that is approved by the Department of Education (Form PDE-3029). An application for an approved program may accompany the application for this subgrant.

Application Deadlines: Applications are due February 12, 1996, by 5 p.m. at 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333 in the Division of Advisory

and Approval Services, Bureau of Vocational-Technical Education, Department of Education, (717) 787-8022.

Application Forms and Guidelines: Completion of an application requires the use of two references: *General Application Information on Vocational Education Competitive Funding* (effective July 1, 1995) and *Technology and the Classroom in Consumer and Homemaking*. Documents and forms are available from Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, Department of Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 787-8022.

Completed Applications: Completed applications should be mailed or delivered—not faxed—to the Division of Advisory and Approval Services.

Preproposal Workshops: There will be no preproposal workshops.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-9. Filed for public inspection January 5, 1996, 9:00 a.m.]

Availability of Adult Education Act Section 322 Funds for Adult Basic Education Including English as a Second Language and Adult Secondary Education Programs for Program Year 1996-97

The Adult Education Act as amended by the National Literacy Act of 1991 provides funds to local agencies through the Department of Education for the establishment of adult education programs that will:

1. enable all adults to acquire basic educational skills necessary for literate functioning;
2. provide these adults with sufficient basic education to enable them to benefit from job training and retraining programs in order to obtain and retain productive employment so that they might more fully enjoy the benefits and responsibilities of citizenship; and
3. enable adults who so desire to continue their education to at least the level of completion of secondary school.

Eligible applicants include local education agencies and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local education agency or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment the adult education services of such a consortium significantly.

Consistent with the purpose of the Adult Education Act for Program Year 1996-97, the Department of Education will give primary consideration to programs for the educationally disadvantaged.

Since the funding level for the Commonwealth will be the same or less as the previous program year, priority for funding will be given to applicants for the continuation of existing programs that have demonstrated an ability to produce results consistent with the objectives of the Adult Education Act.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

Restrictions placed upon the Department of Education by the United States Department of Education on the administration of the grant include:

1. Not more than 20% of the Federal grant to the State Department of Education may be used for programs of equivalency for a certificate of graduation from a secondary school.
2. Not less than 10% of the State's allotment must be used for adult education for institutionalized adults.
3. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau of Adult Basic and Literacy Education, Department of Education.

Application Guidelines will be mailed to current adult basic education providers in mid-January. Others desiring additional information or *Application Guidelines* may obtain them after January 8, 1996, by written request to Chief, Regional Programs Division, Bureau of Adult Basic and Literacy Education, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

All potential applicants are urged to attend one of the following combined proposal development workshops for Federal Adult Education Act, Section 322, and State Adult Literacy Program, Act 143 of 1986. In order to ensure timely administration and processing of applications, both the grant writer and the fiscal person should attend the workshop.

Section 322/Act 143 Administrative Workshops

<i>Date/Time</i>	<i>Site</i>
January 30, 1996 10 a.m.	Saegertown Saegertown High School (located just behind the elementary school) Administration Rooms (Saegertown exit off I-79, Rte 198, on right—East)
January 31, 1996 10 a.m.	Pittsburgh Bidwell Training Center 1815 Metropolitan Street Auditorium
February 1, 1996 9:30 a.m.	Altoona Altoona Area High School Board Rm. B-229 (2nd Floor) B Building 6th Avenue and 15th Street
February 6, 1996 10 a.m.	Harrisburg Harrisburg Area Community College One HACC Drive Alumni Lounge (Cooper 204)
February 7, 1996 10 a.m.	Scranton Marywood College 2300 Adams Street Nazareth Hall Student Center Crystal Room
February 8, 1996 10 a.m.	Philadelphia Community College of Philadelphia (Near 17th and Spring Garden across from Bonnell Building) Winet Student Life Center (Parking available in garage adjacent to Winet Building)
February 9, 1996 10 a.m.	Radnor Cabrini College 610 King of Prussia Road Widener Center—Lecture Hall

All completed Section 322 applications are due in Harrisburg on or before 5 p.m., March 29, 1996.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-10. Filed for public inspection January 5, 1996, 9:00 a.m.]

Availability of Funds Under the Adult Education Act, Section 353 Funds for Special Experimental Demonstration and Staff Development Projects for Adult Basic Education for Program Year 1996-97

I. Authorization

A. Section 353 of the Adult Education Act, P. L. 91-230, as amended by the National Literacy Act of 1991, requires the Department of Education (DOE), through its State Plan for Adult Education, to use not less than 15% of its annual Federal allotment of adult education funds from the United States Department of Education for

special experimental demonstration and teacher training (staff development) adult education projects, as defined in the Act.

B. The Federal objectives for these grants are to:

"1. Promote special projects which will be carried out in furtherance of the purposes of the Act and which—

a. involve the use of innovative methods (including methods for educating persons with handicaps, the homeless, and persons of limited English proficiency), systems, materials, or programs which may have National significance or will be of special value in promoting effective programs under this title, or

b. involve programs of adult education, including education for persons with handicaps, the homeless, and persons of limited English proficiency, which are part of community school programs, carried out in cooperation with other Federal, State or local programs which show unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

2. Train persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title."

C. The State objectives for these grants are to strengthen Pennsylvania's adult basic education programs through research, evaluation and demonstration of methods, programs, techniques, or operational/administrative systems to improve adult education services (special experimental demonstration projects) and to provide training for personnel working in or preparing to work in adult basic education programs (staff development). Emphasis on staff development will be on the following:

1. Training for full-time professional adult educators;
2. Training for minority educators;
3. Training for educators of adults with limited English proficiency; and
4. Training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the 5th grade level.

II. *Special 353 Priorities for 1996-97*

The following Section 353 priorities for 1995-96 have been developed as a result of suggestions/recommendations by adult education providers throughout the State, by Section 353 Task Force members, and by DOE Bureau of Adult Basic and Literacy Education staff. Priorities fall in three general categories as follows: *A.* Special experimental demonstration projects for State-wide or regional impact; *B.* Staff development projects designed for Statewide or regional impact; *C.* Mini-grant projects of up to \$5,000 designed to assist programs with the adoption or adaptation of exemplary projects; with the development of an experimental demonstration project designed for local impact; or to address individual program needs in staff development.

Fiscal Year 1996-97 Priorities 353

A. Special Demonstration

1. *Reporting Student Data*—Examine recurring issues in the reporting of student enrollment, completions, early separations, and outcomes. To conduct onsite visitations of at least 10 agencies to evaluate how staff record student termination, assessment and outcomes data. To use the findings to design a survey of all programs. To

convene a committee of adult education professionals to evaluate the findings and propose definitions for the following:

- Student completion, advancement and early separation.
- Number of levels advanced.
- Levels completed and when these levels constitute successful completion of the program.
- Obtaining a job or advancing in a job, meeting personal objective, completing a level, learning English.
- Other outcomes included on the student form.

Submit findings for evaluation by ABLE and then train RSDC staff on the new criteria adopted for student reporting. This project will work under the direct supervision of the Bureau of Adult Basic and Literacy Education.

2. *PDE Student/Staff/Tutor Database*—Continue the development of a student/staff information management system which incorporates the requirements of the local adult education agencies and ABLE. The applicants for this project shall survey participants in the PC Database project and evaluate problems to be corrected in the revised database system. The project must incorporate the programming already developed under Contract 98-6007.

Provide technical assistance to agencies submitting student and staff data by means of a database exported from Filemaker Pro. Prepare a macro which will export the required data in a format established by DOE.

3. *Adult Learner Competencies*—Develop a list of competencies for adult learners as workers, members of families and citizens in the community. The project must synthesize existing listings of learner competencies including SCANS, CASAS, and the like, to reflect a Pennsylvania specific adult learner competency list. The project must use a committee of adult education practitioners to review, revise and approve the learner competencies. The project will be directly supervised by the Bureau of ABLE.

4. *High School Completion*—Building on the activities begun in FY 1995-96, continue the development and implementation of an alternative diploma program as outlined in Contract #98-6015. Successful applicants will work under direct supervision of the Bureau of ABLE.

5. *Community Planning*—Building upon an existing community-based literacy planning effort, Building Communities for Learning, the project will fund a Statewide organization to develop and implement local pilot sites that build upon current efforts. The project must provide training and technical assistance to the pilots and develop a system of "mentoring communities."

6. *School-to-Work*—Develop a model meeting the objectives of the School-to-Work Opportunities Act initiative that incorporates the common features of school-based and work-based learning for adult learners. The model must be coordinated with an identified School-to-Work Local Partnership and build upon the out-of-school youth component for adults over the age of 24 years. The applicant must be signed on to the Local Partnership Compact and be tied to training for the incumbent workforce. Preference will be given to applicants that are involved in or have been involved in School-to-Work planning grants.

7. *Student Recognition*—Manage an event that includes the technical editing of field-submitted student success stories focusing on the role of adult education in the lives

of the nominated students; the interviewing and photographing of ten finalists; and the preparation, publication and dissemination of a Success Stories booklet including suggested adaptations for local program use. Applicants will collaborate with an identified staff person in the Bureau of Adult Basic and Literacy Education in the development of the project. Applicants must plan for a circulation of approximately 2,000 copies across the Commonwealth with distribution as requested by the Department of Education.

8. *Post-Secondary Basic Education*—Utilizing existing data sources and surveying 2 and 4 year post-secondary institutions, determine the extent to which such institutions must remediate basic skills as a prerequisite to college level and technical course work. Documentation of the number of students involved in such courses and also the number who are matriculating through continuing education programs. To assemble adult basic and continuing education professionals to assess the extent to which the adult education model might meet these needs.

B. Staff Development

1. *Regional system for the effective delivery of staff development to local program providers.* The staff development proposals should be designed to provide staff development opportunities in the following geographic regions:

Region 1: Erie, Warren, McKean, Cameron, Elk, Forest, Venango, Crawford, Mercer, Lawrence, Butler, Clarion, Armstrong, Jefferson, Beaver.

Region 2: Clearfield, Centre, Clinton, Potter, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wayne, Lackawanna, Wyoming, Luzerne, Columbia, Montour, Northumberland, Snyder, Union.

Region 3: Pike, Monroe, Carbon, Northampton, Lehigh, Schuylkill, Berks, Lebanon, Lancaster, Chester, Montgomery, Delaware, Bucks.

Region 4: Indiana, Westmoreland, Allegheny, Washington, Greene, Fayette.

Region 5: Somerset, Cambria, Bedford, Blair, Fulton, Huntingdon, Mifflin, Juniata, Perry, Dauphin, Cumberland, Franklin, Adams, York.

Region 6: Philadelphia.

The letter of intent should state in which region the applicant proposes to provide staff development services. The Bureau will provide interested applicants with specific instructions to be followed in preparing an application for a Regional Staff Development project.

2. *Training Development*—Coordinate the review and selection of training materials for professional development in five designated content areas. The project must collect existing training modules, review for applicability and adapt those materials for use in Pennsylvania. The project must identify existing content area specialists in the Commonwealth and engage them in a committee process to develop the training materials and procedures. Each committee must have approximately five members and meet one time. The project will be directly supervised by the Bureau of ABL.

3. *Summer Institutes*—Administrative, fiscal management and support for Statewide adult basic education Summer Institutes for administrators, teachers, counselors and volunteers. Please state which topic you wish to make an application in the letter of intent. The Bureau will provide interested applicants with specific instructions to be followed in developing the application for a summer institute.

1. Technology
2. New teacher orientation
3. ESL
4. Collaborative learning
5. Other

4. *Learning Differences*—Deliver Statewide training and technical assistance on learning differences through the Regional Staff Development Centers. The project application must address how the training and technical assistance will incorporate work being done Nationally through projects such as the National Adult Literacy and Learning Disabilities Center and the University of Kansas Center for Research on Learning. The application must also address how the training will be delivered in relationship to ABL's Guiding Principles for Professional Development.

5. *Practitioner Inquiry/Action Research*—Continue the development and implementation of the practice of action research/practitioner inquiry into established adult basic and literacy education agencies. Working through Regional Staff Development Centers, the applicants should include development of models that an entire agency uses as a primary means of staff development. This project should build on the models currently implemented within the State as well as Nationally. Desired components include a networking system for participants, training manuals, development of a leadership cadre, and monographs of practitioner projects.

6. *Administrative, fiscal management and support* for Statewide adult basic education staff development activities and other Department of Education activities that include: 1) provision for a series of meetings of the State Plan Task Force; 2) provision for a series of hearings on the revised State Plan; 3) provision for support of special demonstration and staff development activities that include honoraria for presenters at State-sponsored activities; 4) provisions for Section 353 special projects and staff development presentations at Statewide conferences.

7. *Adult Education Newsletter*—A general adult basic education newsletter to be published a minimum of 5 times a year at a length of eight pages or longer in order to disseminate 353 information, in-service techniques, and other areas and items of interest to adult basic education practitioners and program supporters in Pennsylvania. Applicants must plan for a circulation of approximately 2,500 copies across the Commonwealth with distribution as requested by the Department of Education for the duration of the project.

8. *Dissemination of 353 projects*—A publication for the effective and Statewide dissemination of significant current or previous 353 special demonstration or staff development projects to be published a minimum of six times a year at a length of four pages or more. The reviewed projects need not be limited to those produced in Pennsylvania but may draw upon exemplary projects and practices in other states. Applicants must plan for a circulation of approximately 2,500 copies across the Commonwealth with distribution as requested by the Department of Education.

C. *Mini Grants*—applications of up to \$5,000 designed to address either:

1. Special Experimental Demonstration, or
2. Staff Development.

The Bureau encourages adaption/adoption of exemplary projects/practices through this priority. Applicants must

show how they intend to meet local needs through the development of a mini grant.

III. General Instructions

A. This is a competitive grant process. Eligible applicants include State educational agencies, local educational agencies and public and private nonprofit agencies, organizations and institutions. Funding will be for programs accomplished during the period July 1, 1995, through June 30, 1997.

B. A minimum of 25% non-Federal/non-State funds is required as a local match for the grant. This local match may be cash or in-kind.

C. Applications within the Commonwealth of Pennsylvania for grants under Section 353 of the Adult Education Act are screened and evaluated at the Department of Education by a Section 353 Task Force made up of experts in the adult education field. Proposals with merit which have the most potential of achieving high priority objectives of the Adult Education Act and the Pennsylvania Adult Education Plan at the most reasonable cost will be funded, subject to the availability of funds.

D. Applications must address only one of the priorities listed in the priorities in Section II. Any application which addresses more than one priority will not be considered for funding.

E. Prior to submitting an application for a Special Demonstration Project applicants should review the literature that relates to a potential project using the appropriate State Literacy Resource Center (AdvancE or Western Pennsylvania State Literacy Resource Center) to ensure the uniqueness or applicability of the proposed project. The results of this review must be addressed in the application.

F. Section 353 proposals also should be reflective, as much as possible, of the goals, objectives and activities of the *Pennsylvania—Adult Education State Plan: Fiscal Years 1990-94*. Applicants should consult this plan as they prepare proposals. Copies of the plan are available at the State Literacy Resource Centers.

G. For the purposes of these Section 353 Funds, an adult is defined as an out-of-school youth who is 16 years of age or older. Adult Basic Education (ABE) encompasses instruction at the 0-8 grade level; General Educational Development (GED) encompasses instruction to enable undereducated adults to successfully pass the GED test; (9-12 grade level) and English As a Second Language (ESL) encompasses instruction of English to adults whose primary language is not English.

H. Prospective applicants who desire application forms, and application guidelines, should request those materials by submitting a letter of intent to apply for a grant to the address below by January 29, 1996 (proposal will be due March 8, 1996). The letter of intent should state which priority in Section II and the particular topic the applicant intends to address in the proposal and include a one sentence description of the purposes of the project. A letter of intent must be submitted for each separately proposed project application. These letters of intent may not be faxed to the Bureau. Upon receipt of the letter of intent at the Bureau, the potential applicant will be provided a copy of the guidelines to use in the preparation of the application.

Chief, Special Programs and Projects Division, Bureau of Adult Basic and Literacy Education, Pennsylvania

Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-11. Filed for public inspection January 5, 1996, 9:00 a.m.]

Availability of State Grant Funds for Adult Literacy Programs

Act 143 of 1986, as approved by the General Assembly of the Commonwealth of Pennsylvania and signed into law on October 22, 1986, established the Pennsylvania Adult Literacy Education Grant Program. This program is administered by the Department of Education for adult literacy programs that will:

1. enable out-of-school youth and adults 17 years of age and older who are nonreaders or who read below the 5th grade level or who lack basic English language proficiency to improve their basic skills in order to increase their prospects for a more productive life, and
2. expand the availability of adult literacy and other adult education programs, including volunteer programs, in the Commonwealth.

Eligible applicants include literacy councils, libraries, local education agencies, community colleges, and public and private nonprofit agencies, organizations and institutions. Priority consideration will be given to applications that will conduct programs that expect to enroll high numbers of eligible adults who are receiving public assistance; do not have high school diplomas; are members of minority groups; and/or have less than a 5th grade reading level. Priority also will be given to programs that provide client outreach and referral activities that are coordinated with other adult education and literacy programs, county assistance office, social service agencies, offices of employment security, Job Training Partnership Act (JTPA) programs, and other community groups or agencies that provide services and assistance to persons in need of basic literacy skills.

Restrictions placed upon the State Department of Education for the administration of the grant by Act 143 are:

1. No more than 20% of the annual appropriation shall be used to provide education to institutionalized adults.
2. No more than 20% of the annual appropriation shall be used for programs of equivalency for a certificate of graduation from a secondary school.
3. At least 20% of the annual appropriation shall be used for training volunteer adult literacy tutors.
4. No more than 10% of any grant to an eligible agency may be used for support services.
5. No more than 10% of any grant to an eligible agency may be used for administration.

Application Guidelines will be mailed to current adult basic education providers in mid-January. Others desiring additional information or *Application Guidelines* may obtain them after January 8, 1996, by written request to Chief, Regional Programs Division, Bureau of Adult Basic and Literacy Education, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

All potential applicants are urged to attend one of the following combined proposal development workshops for

Federal Adult Education Act, Section 322, and State Adult Literacy Program, Act 143 of 1986. In order to ensure timely administration and processing of applications, both the grant writer and the fiscal person should attend the workshop.

Section 322/Act 143 Administrative Workshops

<i>Date/Time</i>	<i>Site</i>
January 30, 1996 10 a.m.	Saegertown Saegertown High School (located just behind the elementary school) Administration Rooms (Saegertown exit off I-79, Rte 198, on right—East)
January 31, 1996 10 a.m.	Pittsburgh Bidwell Training Center 1815 Metropolitan Street Auditorium
February 1, 1996 9:30 a.m.	Altoona Altoona Area High School Board Rm. B-229 (2nd Floor) B Building 6th Avenue and 15th Street
February 6, 1996 10 a.m.	Harrisburg Harrisburg Area Community College One HACC Drive Alumni Lounge (Cooper 204)
February 7, 1996 10 a.m.	Scranton Marywood College 2300 Adams Street Nazareth Hall Student Center Crystal Room
February 8, 1996 10 a.m.	Philadelphia Community College of Philadelphia (Near 17th and Spring Garden across from Bonnell Building) Winet Student Life Center (Parking available in garage adjacent to Winet Building)
February 9, 1996 10 a.m.	Radnor Cabrin College 610 King of Prussia Road Widener Center—Lecture Hall

All completed Act 143 applications are due in Harrisburg on or before 5 p.m., March 15, 1996.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-12. Filed for public inspection January 5, 1996, 9:00 a.m.]

Availability of State Grant Funds for Pennsylvania Literacy Corps Programs for Program Year 1996-97

The Pennsylvania Adult Literacy Act (Act 143), as approved by the General Assembly of Pennsylvania, will provide funds for grants to support adult literacy in the Commonwealth for Fiscal Year 1996. Funds also will be available to provide grants for the conduct of the Pennsylvania Literacy Corps Program. This program is administered for the Secretary of Education by the Bureau of Adult Basic and Literacy Education.

The mission of the Pennsylvania Literacy Corps Program is to promote lifelong involvement in community service while enhancing the curriculum of higher education

institutions with service learning opportunities that assist in resolving community problems. Specifically, the Pennsylvania Literacy Corps strives to:

- mobilize college students to help overcome the illiteracy problem in the Commonwealth; and
- encourage higher education institutions to promote and support community service as an integral part of the college curriculum.

Grant funds are available in amounts up to \$35,000 per program to support collaborative efforts between institutions of higher education and adult basic and literacy education providers to establish and conduct a Pennsylvania Literacy Corps Program during the period July 1, 1996 through June 30, 1997. The applicant for the grant may be either the higher education institution or the adult basic and literacy education provider; however, the application must reflect a collaborative partnership which meets the goals of the Pennsylvania Literacy Corps Program and provides for college students to devote a minimum of 40 hours of volunteer service with an adult basic and literacy education program as part of their course work.

Priority consideration for the award of grants will be to applicants for a partnership and higher education institutions and a volunteer based adult basic and literacy education provider.

Completed application must be received at the Bureau of Adult Basic and Literacy Education, Department of Education, on or before April 12, 1996.

Application packets and guidelines may be obtained by written request to: Chief, Regional Programs Director, Attn: PLC, Bureau of Adult Basic and Literacy Education, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

Potential applicants are urged to attend one of the following combined proposal development workshops for Federal Adult Education Act, Section 322, and State Adult Literacy Program, Act 143 of 1986. In order to ensure timely administration and processing of applications, both the grant writer and the fiscal person should attend the workshop.

Section 322/Act 143 Administrative Workshops

<i>Date/Time</i>	<i>Site</i>
January 30, 1996 10 a.m.	Saegertown Saegertown High School (located just behind the elementary school) Administration Rooms (Saegertown exit off I-79, Rte 198, on right—East)
January 31, 1996 10 a.m.	Pittsburgh Bidwell Training Center 1815 Metropolitan Street Auditorium
February 1, 1996 9:30 a.m.	Altoona Altoona Area High School Board Rm. B-229 (2nd Floor) B Building 6th Avenue and 15th Street
February 6, 1996 10 a.m.	Harrisburg Harrisburg Area Community College One HACC Drive Alumni Lounge (Cooper 204)

Date/Time *Site*
 February 7, 1996 Scranton
 10 a.m. Marywood College
 2300 Adams Street
 Nazareth Hall Student Center
 Crystal Room

 February 8, 1996 Philadelphia
 10 a.m. Community College of Philadelphia
 (Near 17th and Spring Garden across
 from Bonnell Building)
 Winet Student Life Center
 (Parking available in garage adjacent
 to Winet Building)

Date/Time *Site*
 February 9, 1996 Radnor
 10 a.m. Cabrini College
 610 King of Prussia Road
 Widener Center—Lecture Hall

All completed PA Literacy Corps applications are due in Harrisburg on or before 5 p.m., April 12, 1996.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-13. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

PA 0023426. Industrial waste, SIC: 4941, **Dayton Borough**, P. O. Box 396, Dayton, PA 16222.

This application is for issuance of an NPDES permit to discharge treated process water from the Water Treatment Plant in Wayne Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters Glade Run classified as cold water fishery with existing and/or potential uses for 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 Kittanning Suburban Joint Water Authority, located at Kittanning, over 33 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.003 mgd.

	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)			monitor and report		
Total Suspended Solids			30		60

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Iron			2		4
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	6.0—9.0				

Other Conditions: Special conditions apply to any existing or proposed chemical additives. Part II permit to be submitted. Disposal of solids must meet residual waste regulations. One year compliance period before numerical limits become effective.

The EPA waiver is in effect.

PA 0028703. Sewage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.8 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	12	18		24
(11-1 to 4-30)	25	37.5		50
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		1.0		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0032191. Sewage, **Sister Servants of the Most Sacred Heart of Jesus**, 1872 Munster Road, Portage, PA 15946.

This application is for renewal of an NPDES permit to discharge treated sewage from the Sister Servants of the Most Sacred Heart of Jesus Sewage Treatment Plant in Munster Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of North Branch Little Conemaugh River (to Wilmore Dam), which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.0009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Maximum Weekly	Instantaneous Daily	Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0204439. Sewage, **Keystone Coal Mining Company**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from Margaret No. 11 Mine—No. 2 Portal Bathhouse STP in Kittanning Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Cherry Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, located on the Allegheny River.

Outfall 001: existing discharge, design flow of .0045 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	39,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		1.4		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

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

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

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

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

Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.

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

Franklin County Conservation District, District Manager, 550 Cleveland Ave., Chambersburg, PA 17201, telephone (717) 264-8074.

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

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

Perry County Conservation District, District Manager, 31 W. Main St., Box 36, New Bloomfield, PA 17068, telephone (717) 582-8988.

Schuylkill County Conservation District, District Manager, Schuylkill Mall, Frackville, PA 17931, telephone (717) 874-3130.

Somerset County Conservation District, District Manager, N. Ridge Bldg., 1590 N. Ctr. Ave., Ste. 103, Somerset, PA 15501, telephone (814) 445-4652.

Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-4812.

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges. The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above.

NPDES Permit	Name and Address	County and Municipality	Receiving Stream
PAR10A155	Shaler Area School District, 1800 Mt. Royal Blvd., Glenshaw, PA 15116	Shaler Twp. Allegheny Co.	Pine Crk.

NOTICES

<i>NPDES Permit</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A160	Dept. of Trans. 45 Thoms Run Rd. Bridgeville, PA 15017	City of Pittsburgh and Whitehall Boro. Allegheny Co.	Saw Mill Run
PAR10A156	RJD Enterprises 613 Crest Ct. Murrysville, PA 15668	Monroeville Allegheny Co.	Turtle Crk.
PAR10A145	Golden Triangle Enter. 40 Pattridge Ln. Imperial, PA 15126	Kennedy Twp. Allegheny Co.	Chartiers Crk.
PAR10E046	Irene Stacy Commun. Mental Health Ctr., 112 Hillvue Dr. Butler, PA 16001	Butler Twp. Butler Co.	Butcher Run
PAR10F046	Barnes & Noble and Toys R Us, P. O. Box 95, Furnace, PA	College Twp. Centre Co.	UNT to Spring Crk.
PAR101719	DEP, BAMR, 122 S. Center St., Ebensburg, PA 15931	Bradford Twp. Clearfield Co.	Millstone Run
PAR10I079	Stratford Woods, Inc. 3820 Market St. Camp Hill, PA 17011	Lower Paxton Twp. Dauphin Co.	Beaver Crk.
PAR10I080	Kings Crossing, Inc. 3820 Market St. Camp Hill, PA 17011	Lower Paxton Twp. Dauphin Co.	Beaver Crk.
PAR10M105	Shippensburg Invest. Group, 100 E. Orange St., Shippensburg, PA 17257	Southampton Twp. Franklin Co.	Middle Spg. Crk.
PAR10R072	Westmoreland Co., Inc. 200 Randolph Ave. Huntsville, AL 35801	Pittston Twp. Luzerne Co.	Lidy Crk.
PAR10R075	Harris Semiconductor 125 Crestwood Rd. Mountain Top, PA 18707	Wright Twp. Luzerne Co.	Bow Crk.
PAR10T220	Gambone Brothers 1030 W. Germantown Pke. Fairview Vlg., PA 19409	L. Providence Twp. Montgomery Co.	Meyers Run
PAR10T248	Matrix Realty, 100 Tournament Dr. Horsham, PA 19044	Horsham Twp. Montgomery Co.	Davis Grove trib.
PAR10T261	Robin Reshetar, P. O. Box 521, Skippack, PA 19474	Horsham Twp. Montgomery Co.	Trewellyn Crk.
PAR105109	Charles Zaleski P. O. Box 1265 Harrisburg, PA	Buffalo Twp. Perry Co.	Hunters Run
PAR105730	Jay King Jr., 945 Berkshier Blvd. Wyomissing, PA 19610	S. Manheim Twp. Schuylkill Co.	UNT to Bear Crk.
PAR106112	Phyllis King, 13031 Farthingdale Dr. Reston, VA 22071	Brothersvly. Twp. Somerset Co.	Blue Lick Crk.
PAR106618	Tioga Borough, 18 N. Main St., Tioga, PA 16946	Tioga Twp. Tioga Co.	Tioga River

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 Department Regional Office indicated above the application.

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

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

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.

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

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

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

NPDES Permit PAS10A080. Stormwater. **Department of Transportation**, 56 Thoms Run Road, Bridgeville, PA 15107 has applied to discharge stormwater from a construction activity located in Kennedy and Robinson Townships, **Allegheny County**, to Campbells Run and Chartiers Creek.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

NPDES Permit PAS10E047. Stormwater. **R. Gordon Matthews and Associates**, 650 Washington Road, Pittsburgh, PA 15228 has applied to discharge stormwater from a construction activity located in Cranberry Township, **Butler County**, to Wolf Run.

NPDES Permit PAS10E048. Stormwater. **Land Company of Slippery Rock**, 1 PPG Place, 23rd Floor, Pittsburgh, PA 15222 has applied to discharge stormwater from a construction activity located in Slippery Rock Borough, **Butler County**, to Wolf Creek.

Cumberland County Conservation District, District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.

NPDES Permit PAS10H052. Stormwater. **David Lutz and/or Virginia Smith**, c/o Virginia Smith, 1109 Kuhn Road, Boiling Springs, PA 17007 has applied to discharge stormwater from a construction activity located in Middlesex and North Middleton Townships, **Cumberland County**, to LeTort Spring Run.

Franklin County Conservation District, District Manager, 550 Cleveland Ave., Chambersburg, PA 17201, telephone (717) 264-8074.

NPDES Permit PAS10M093. Stormwater. **Harry and John Fox**, 60 South Pin Oak Drive, Boiling Spring, PA have applied to discharge stormwater from a construction activity located in Peters Township, **Franklin County**, to UNT to Conococheague Creek.

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.

NPDES Permit PAS10Q101. Stormwater. **Polar Plastics Manufacturing**, 7132 Daniels Drive, Allentown, PA 18106 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q102. Stormwater. **Country Meadows Associates**, 830 Cherry Drive, Hershey, PA 17033 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q103. Stormwater. **The Norwood Company**, 974 Marcon Boulevard, Suite 220, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

NPDES Permit PAS10T058. Stormwater. **Cutler Group**, 5 Sentry Parkway West, Blue Bell, PA 19422 has applied to discharge stormwater from a construction activity located in Montgomery Township, **Montgomery County**, to UNT to Little Neshaminy Creek.

NPDES Permit PAS10T059. Stormwater. **Westrum Development Company**, 794 Pennlyn Pike, Suite 101,

Blue Bell, PA 19422 has applied to discharge stormwater from a construction activity located in Perkiomen Township, **Montgomery County**, to Lodal Creek.

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

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

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

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

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

Permit No. 4695430. Sewerage. **Township of Horsham Sewer Authority** (1025 Horsham Road, Horsham, PA 19044). Expansion of sewage treatment plant to serve Park Creek located in Horsham Township, **Montgomery County**.

Permit No. 1595418. Sewerage. **Historic Salem Village Homeowner's Association** (R. D. 5, P. O. Box 25, Yellow Springs Road, Malvern, PA 19355). Construction of a sewage treatment plant to serve Historic Salem Village Wastewater Treatment Facility located in Tredyffrin Township, **Chester County**.

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

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

1595514. Public water supply. **Elverson Water Company, Inc.**, 26 E. Main Street, P. O. Box 20. This proposal involves the activation of existing well no. E to be used as production well no. 3 in Elverson Borough, **Chester County**.

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

A. 6795509. Public water supply. **Conewago Valley Mobile Home Park, Inc.**, Newberry Twp., **York County**, (Elmer R. Keach, Jr., Lot 128, 800 York Road, Dover, PA 17315), well no. 2, public water supply well for backup and system expansion, (Dennis B. Henry, P.E., Imagineering, 122 East King Street, York, PA 17403).

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

A. 3289503-A2. **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. Modifications to be made to well number 1, **Somerset County**.

A. 8821W-A2. **Heinz USA**, 1062 Progress Street, Pittsburgh, PA 15230. Iron and manganese treatment for groundwater from eight existing wells, **Allegheny County**.

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

6595505. Public water supply. **Honesdale Consolidated Water Co.**, c/o Lynn Simons, Manager, Honesdale Consolidated Water Co., 175 N. Main Street, Honesdale, PA 18431. This proposal involves the permitting of the construction of six new wells and four new storage tanks along with the necessary disinfection facilities and transmission piping to interconnect all.

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

A. 1495507. **Lemont Water Company**, P. O. Box 26, Lemont, PA 16851, College Township, **Centre County**. The project consists of the construction of a 1.3 mgd water filtration plant, a backwash reclaim tank, sludge drying beds, high service pump capacity upgrades, system telemetry, and emergency standby power. This filtration plant will treat two existing wells which have been determined to be surface water influenced. The application also requests the abandonment of existing permitted spring sources known as the John Bathgate Spring and the Hamill Bathgate Spring.

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.

Permit No. 100944. **Lanchester Landfill, Chester County Solid Waste Authority**, (P. O. Box 476, Honey Brook, PA 19344). Application for request for reduction of bond for a site in Caernarvon Township, **Lancaster County**. Reduction of bond was granted December 18, 1995.

Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Altoona Hospital, 620 Howard Avenue, Altoona, PA 16601; Ronald E. Kirkpatrick, Director; License No. **PA-HC 0124**; application received November 28, 1995.

Montrose General Hospital Inc., 3 Grow Avenue, Montrose, PA 18801; Richard Rosenkrans, Supervisor; License No. **PA-HC 0166**; application received November 28, 1995.

Health Care Waste Services Corp., 3446 Rombouts Avenue, Bronx, NY 10475; Joseph Orlando, President; License No. **PA-HC 0184**; application received December 19, 1995.

Acknowledgment of Notices of Intent to Remediate

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact Steve Curcio at (814) 332-6816. 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 Notice of Intent to Remediate.

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

The Peter Fedorko Property, between Old Zuck Road and W. 38th Street, Millcreek Township, **Erie County**, has submitted a Notice of Intent to Remediate

at the Fedorko Property, site soils contaminated with lead and foundry sand fill. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Times* on December 23, 1995. Applicant proposes to remediate the site to meet the Site-Specific Standard.

Settlements under the Hazardous Sites Cleanup Act

Industrial Solvents and Chemical Company Newberry Township, York County

Written comments regarding the settlements described in the December 9, 1995 *Pennsylvania Bulletin* may be submitted to the Department by February 7, 1996. This is a correction to the information that was previously published.

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

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

03-318-019. 5 Rubber Corporation (1655 Orr Avenue, Kittanning, PA 16201) for an elastomer coating line at its facility located in Kittanning Borough, **Armstrong County**.

32-305-032B. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728) for a wet coal prep plant and rotary breaker and loadout facility at its plant located in Cherryhill Township, **Indiana County**.

63-320-001A. Specialty Printing, Inc. (P. O. Box 104, Third St. and PA RR, Charleroi, PA 15022) for a web-offset printing operation at its facility located in Charleroi Borough, **Washington County**.

63-399-003. Elliott Turbomachinery Company, Inc. (213 Scott Street Ext., Donora, PA 15033) for dust collectors for an abrasive blasting operation at its facility located in Donora Borough, **Washington County**.

65-304-039. Tasman Development Company, Ltd. (P. O. Box 81620, Pittsburgh, PA 15217) for a sand removal and screening operation at its facility located in Latrobe Borough, **Westmoreland County**.

65-307-054B. Teledyne Inc. (P. O. Box 151, Latrobe, PA 15650) for a bargehouse for E.A.F. and A.O.D. vessel at its facility located in Derry Township, **Westmoreland County**.

65-399-033A. Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) for the 35V cathode ray tube mfg. line at its Pittsburgh Manufacturing Center located in East Huntingdon Township, **Westmoreland County**.

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

8-303-003A. Modification of a batch asphalt plant (use of reprocessed oil as fuel) by **State Aggregates, Inc.** (4401 Camp Meeting Road, Suite 200, Centre Valley, PA 18034-9454) in Wysox Township, **Bradford County**.

59-329-004. Construction of a natural gas storage/compression facility consisting of six 3,130 horsepower natural gas-fired engines, two gas dehydration units and associated air cleaning device (a thermal oxidizer), two 43.75 million BTU/hour natural gas-fired line heaters and

associated equipment by **NE Hub Partners, L.P.** (44084 Riverside Parkway, Suite 340, Leesburg, VA 22075) in Farmington and Lawrence Townships, **Tioga County**. The two line heaters are subject to Subpart Dc of the Federal Standards of Performance For New Stationary Sources.

59-329-005. Construction of a brine injection facility (facility A) consisting of four 2,587 horsepower natural gas-fired pump engines, four 1,072 horsepower natural gas-fired booster pump engines and associated equipment by **NE Hub Partners, L.P.** (44084 Riverside Parkway, Suite 340, Leesburg, VA 22075) in Middlebury Township, **Tioga County**.

59-329-006. Construction of a brine injection facility (facility B) consisting of four 2,587 horsepower natural gas-fired pump engines, four 1,072 horsepower natural gas-fired booster pump engines and associated equipment by **NE Hub Partners, L.P.** (44084 Riverside Parkway, Suite 340, Leesburg, VA 22075) in Tioga Township, **Tioga County**.

Operating permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **39-318-091A**

Source: Touch-Up Paint Spray Booth and Oven

Company: **Mack Trucks Incorporated**

Location: Lower Macungie Township

County: **Lehigh**

Plan approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources and associated air cleaning devices.

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

An application for Plan Approval has been received by this office for the construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-301-038**

Source: Human Crematory (Type 4)

Received: December 1, 1995

Company: **Maple Hill Cemetery Association**

Location: Archbald Borough

County: **Lackawanna**

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

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

03-302-018. The Department intends to issue an air quality control operating permit to **Praxair, Inc.** (P. O.

Box 44, Tonawanda, NY 14151) for a gas-fired boiler at its hydrogen/nitrogen facility located in Gilpin Township, **Armstrong County**.

03-310-002. The Department intends to issue an air quality control operating permit to **Buffalo Limestone, Inc.** (R. D. 1, Box 434, Kittanning, PA 16201) for a portable limestone crushing/processing plant at its Leroy Mine located in Kittanning Township, **Armstrong County**.

11-310-004. The Department intends to issue an air quality control operating permit to **The Waylite Corporation** (R. D. 5, Easton Road, Bethlehem, PA 18014) for a dust suppression system for a slag processing plant located in East Taylor Township, **Cambria County**.

26-308-012. The Department intends to issue an air quality control operating permit to **Assad Iron & Metal, Inc.** (P. O. Box 76, Brownsville, PA 15417) for an aluminum sweat furnace at its Brownsville Plant located in Jefferson Township, **Fayette County**.

32-302-011A. The Department intends to issue an air quality control operating permit to **United School District** (P. O. Box 168, Armagh, PA 15920) for two atomizing oil burners at its Jr.-Sr. High School located in East Wheatfield Township, **Indiana County**.

32-303-004. The Department intends to issue an air quality control operating permit to **IA Construction Corporation** (P. O. Box 290, Homer City, PA 15767) for a baghouse for a bituminous concrete plant at its Homer City facility, located in Center Township, **Indiana County**.

63-309-053. The Department intends to issue an air quality control operating permit to **Cerdec Corporation** (P. O. Box 519, Washington, PA 15301) for an organic coating manufacturing process at its facility located in Canton Township, **Washington County**.

63-305-019. The Department intends to issue an air quality control operating permit to **Reichard Contracting, Inc.** (R. D. 3, New Bethlehem, PA 16242) for a mine refuse reprocessing operation at its Matway Site located in Fallowfield Township, **Washington County**.

63-313-027. The Department intends to issue an air quality control operating permit to **Ametek, Inc.** (P. O. Box 427, Eighty Four, PA 15330) for a dust collector and cyclone for a gas atomization batch process for its Specialty Metals Products Division located in North Strabane Township, **Washington County**.

65-302-070. The Department intends to issue an air quality control operating permit to **Menasha Corporation** (200 Industrial Drive, Delmont, PA 15626) for natural gas-fired oil heater for its Delmont No. 4 facility located in Salem Township, **Westmoreland County**.

65-305-045. The Department intends to issue an air quality control operating permit to **Matt Canestrone Contracting Inc.** (P. O. Box 234, Belle Vernon, PA 15012), for a coal loading facility at its Gibsonton Yard located in Rostraver Township, **Westmoreland County**.

65-308-016C. The Department intends to issue an air quality control operating permit to **Advanced Metallurgy, Inc.** (1003 Corporate Drive, Export, PA 15632) for a micro-shield collection system for electric belt furnaces at its plant no. 5 located in Murrysville, **Westmoreland County**.

65-310-017. The Department intends to issue an air quality control operating permit to **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701) for hoods and a water mist system for a limestone processing operation at its Horn Mine located in Derry Township, **Westmoreland County**.

65-312-011A. The Department intends to issue an air quality control operating permit to **Atlantic Refining and Marketing Corp.** (1835 Market St., Philadelphia, PA 19103) for gas and distillate loading racks at its Delmont Station located in Salem Township, **Westmoreland County**.

65-327-001. The Department intends to issue an air quality control operating permit to **Robertshaw Controls Company** (One Robertshaw Drive, New Stanton, PA 15672) for a solvent degreasing operation at its New Stanton Facility located in New Stanton, **Westmoreland County**.

Reasonably Available Control Technology; Public Hearings

The Department of Environmental Protection (DEP) will hold a public hearing on January 16, 1996, at 10 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA 15222.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) plan for the Anchor Glass Container for plant no. 5, in Conellsville, Fayette County.

The proposed approval is for the immediate implementation of manual control of Air-to-Fuel ratios on furnaces no. 1, no. 2 and no. 3 for a 15% reduction in NOx emissions. Additionally, Anchor shall install Combustion Staging on furnaces no. 1 and no. 2 by June 2, 1997 to reduce NOx emissions to 5.5 lbs. per ton of glass pulled.

RACT for all sources at this facility will include its operation and maintenance in accordance with manufacturer's recommendations and accepted air pollution control practices.

A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Those wishing to present testimony during the hearing should by January 12 contact community relations coordinator Betsy Mallison at (412) 442-4182 to register.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Betsy Mallison or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wish to comment, should provide written comments to Barb Hatch, Air Pollution Control Engineer, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted by January 30, 1996.

Copies of the RACT application and DEP review, are available for review from 8 a.m. to 4 p.m. in the DEP Southwestern Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made by calling (412) 442-4000.

The Department of Environmental Protection will conduct a public hearing on Tuesday, January 30, 1996, beginning at 1 p.m. in the first floor conference room A at the Meadville Regional Office located at 230 Chestnut Street. The hearing is for DEP to accept testimony concerning the Department's decision to approve, with conditions, Reasonably Available Control Technology (RACT) plans by: United Refining Company, Box 780, Warren, Warren County, Pennsylvania, and Pennsylvania Electric Company (Penelec), Warren Station, 2325 Penna. Ave. West Ext., Warren, PA. The final RACT proposals will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. All of these facilities are located in Warren County. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approvals for these facilities to comply with current regulations. The preliminary RACT determinations, if finally approved, will be incorporated into an operating permit for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. The following is a summary of the preliminary NOx and VOC RACT determinations for the above listed facilities (major sources only):

United Refining Company

NOx Source

- boiler no. 1
- boiler no. 2
- boiler no. 3
- boiler no. 4
- boiler no. 5
- FCC regenerator
- FCC-charge heater

- crude (WHECO) heater
- east reformer heater
- west reformer heater

emission limit

- 0.315 #NOx/MMBTU
- 0.315 #NOx/MMBTU
- 0.315 #NOx/MMBTU
- 0.173 #NOx/MMBTU
- 0.14 #NOx/MMBTU
- 71 #NOx/1,000 barrels FCC feed
- 0.14 #NOx/MMBTU (refinery gas)
- 0.246 #NOx/MMBTU (refinery oil)
- 0.226 #NOx/MMBTU
- 0.259 #NOx/MMBTU
- 0.137 #NOx/MMBTU

VOC Source

- storage tanks

control device

- internal/external roofs
- low total vapor pressure
- vent to bladder tank

implementation date

- implemented

<i>VOC Source</i>	<i>control device</i>	<i>implementation date</i>
fugitive sources	LDAR (129.58)	implemented
waste water treatment units	(129.55)	implemented
aeration tank	not economically feasible	implemented
bottom loading rack	129.59	implemented
cooling towers	hydrocarbon leaks minimized	implemented

Penelec, Warren Station

<i>Source</i>	<i>NOx RACT and emission limit</i>	<i>VOC RACT</i>	<i>Implementation Date</i>
boiler no. 1	Bias Firing 0.62 lb/MMBTU	operated and maintained in accordance with good air pollution control practices	implemented
boiler no. 2	Bias Firing 0.62 lb/MMBTU	operated and maintained in accordance with good air pollution control practices	implemented
boiler no. 3	Bias Firing 0.62 lb/MMBTU	operated and maintained in accordance with good air pollution control practices	implemented
boiler no. 4	Bias Firing 0.62 lb/MMBTU	operated and maintained in accordance with good air pollution control practices	implemented
combustion turbine	Presumptive RACT Emission Limitations of 25 Pa. Code § 129.93(c)(5)	Presumptive RACT Emission Limitations of 25 Pa. Code Chapter 129.93(c)(5)	implemented
emergency diesel	Presumptive RACT Emission Limitations of 25 Pa. Code § 129.93(c)(5)	Presumptive RACT Emission Limitations of 25 Pa. Code Chapter 129.93(c)(5)	implemented

For the above facilities, a public hearing will be held for the purpose of receiving comments on the above proposed Plan Approvals and/or Operating Permits and the proposed SIP revisions. The public hearing is scheduled as follows:

Tuesday, January 30, 1996, 1 p.m. to 3 p.m.
DEP Meadville Regional Office,
First Floor Conference Room
230 Chestnut Street, Meadville, PA.

Persons wishing to present testimony at the hearing should contact Steve Curcio, Community Relations Coordinator, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6945, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Steve Curcio, Community Relations Coordinator, (814) 332-6945, or the Pennsylvania AT&T relay service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

Those unable to attend the hearing but wish to comment should provide written comments to the following people:

United Refining Company
Matthew Williams, (814) 332-6940

Penelec, Warren Station
Lori Cheplic, (814) 332-6940

Air Pollution Control Engineers, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice. All the pertinent documents (applications, review memos, and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP contact person noted previously.

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

Northwest Regional Office: Devendra Verma, Engineering Services Chief, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6940.

25-318-121. The Department received a plan approval application from **Ridg-U-Rak, Inc.** (P. O. Box 150, North East, PA 16428) for the construction of a bake oven (1.6 MMBTU/hr) for an existing paint line in North East, **Erie County.**

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (Department), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing

be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

10-302-038. The Department received a plan approval application from **Callery Chemical Company**, Division of Mine Safety Appliances Co. (P. O. Box 429, Pittsburgh, PA 15230) for the installation of a new boiler (14.65 MMBTU/hr rated capacity) at 1420 Mars Evans City Road, Forward Township, **Butler County**. This boiler is subject to the New Source Performance Standard 40 CFR Part 60 Subpart Dc.

25-304-036. The Department received a plan approval application from **Zurn Industries—Bay City Forge Operation** (P. O. Box 13801, Erie, PA 16514-3801) for the operation of three natural gas fired furnaces (15,000,000 BTU/hr. each) in Erie, **Erie County**.

10-318-020. The Department received a plan approval application from **Spang & Company** (Magnetics Division, 100 Brugh Avenue, Box 751, Butler, PA 16003) for the construction of a surface coating operation (2,200 units/hr.) in East Butler Borough, **Butler County**.

The Department received plan approval applications from **Callery Chemical Company, Division of Mine Safety Appliances Co.** (P. O. Box 429, Pittsburgh, PA 15230) for the following sources at 1420 Mars Evans City Road, Forward Township, **Butler County**.

10-313-047. Dust scrubbing system at the Alkali Metal Organic Compounds Manufacturing Facility.

10-313-048. Installation of an air cleaning device at the Hopcalite Production Facility.

10-313-049. Pilot Plant Operation.

42-309-008. The Department received a plan approval application from **Ball-Foster Glass Container Company, L.L.C.** (1509 South Macedonia Avenue, Muncie, IN 47302) for the modification of an existing glass melting furnace at One Glass Place, Port Allegany, PA 16743.

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—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Coal Applications Received

54693031R2. **Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 307.5 acres, receiving stream Schuylkill River. Application received December 13, 1995.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17920115. **P & N Coal Co., Inc.** (240 W. Mahoning Street, Punxsutawney, PA 15767), revision to an existing

bituminous surface mine permit to change the location of a stream crossing on an unnamed tributary to the west branch of the Susquehanna River, Goshen Township, **Clearfield County**, application received December 5, 1995.

17850120. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), renewal of an existing bituminous surface mine permit in Bell Township, **Clearfield County** affecting 902.4 acres, receiving streams Haslett Run and two unnamed tributaries to Haslett Run to the west branch of the Susquehanna River, application received December 6, 1995.

17950117. E. M. Brown, Inc. (P. O. Box 767, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Gulich Township, **Clearfield County** affecting 56.3 acres, receiving streams unnamed tributary to Moshannon Creek, unnamed tributary to Little Muddy Run, application received December 11, 1995.

17950118. Compass Coal Company (P. O. Box 169, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous surface mine, refuse disposal and fly ash disposal permit in Chest Township, **Clearfield County** affecting 117 acres, receiving streams unnamed tributaries to North Camp Run, North Camp Run to Chest Creek to west branch Susquehanna River, application received December 11, 1995.

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

32950108. T.L.H. Coal Company (R. D. 1, Box 170, Rochester Mills, PA 15771), commencement, operation and restoration of a bituminous-auger mine in East Mahoning Township, **Indiana County**, affecting 52.6 acres, receiving stream Dixon Run and unnamed tributaries to Rayne Run, application received December 14, 1995.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

56773707. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Fuel Refuse Disposal Area in Stoneycreek Township, **Somerset County** for reclamation only, no additional discharge. Application received November 23, 1995.

63831301. Consolidation Coal Company (450 Race-track Road, Washington, PA 15301), to renew the permit for the Westland No. 2 bituminous deep mine in Mount Pleasant Township, **Washington County**, no additional discharge. Application received November 8, 1995.

32951301. Marquise Mining Corporation (206 Green Street, Johnstown, PA 15905), to operate the Burrell bituminous deep mine in Burrell Township, **Indiana County**, including crushing and screening and breaker rock disposal, receiving stream Weirs Run. Application received November 15, 1995.

32921301. Keystone Coal Mining Corporation (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Plumcreek No. 1 bituminous deep mine in Washington Township, **Indiana County** to comply with Act 54, no additional discharge. Application received November 27, 1995.

03841305. Keystone Coal Mining Corporation (P. O. Box 729, Indiana, PA 15701), revise the permit for the Emilie No. 1 and No. 2 bituminous deep mine in South Bend Township, **Armstrong County** to add two 4" vent boreholes, no additional discharge. Application received November 27, 1995.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Large Noncoal Applications Received

4775SM1. John H. Bradshaw (R. D. 2, Box 111A, Tioga, PA 16946), transfer of an existing large noncoal surface mine permit from Gordon C. Martin Construction, Lawrence Township, **Tioga County** affecting 42 acres, receiving streams unnamed tributary to Tioga River, application received December 6, 1995.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

7975SM4T. Edison Quarry, Inc. (25 Quarry Road, Doylestown, PA 18901), transfer of an existing quarry (from Edison Quarry) in Doylestown Township, **Bucks County** affecting 18.2 acres, receiving stream Neshaminy Creek. Application received December 11, 1995.

6276SM2A1C2. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES permit no. PA0594512 in East Earl Township, **Lancaster County**, receiving stream Conestoga Creek. Application received December 14, 1995.

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

Small Noncoal Applications Received

56950801. Three S Coal Company (P. O. Box 337, Stoystown, PA 15563), commencement, operation and restoration of quarry in Southampton Township, **Somerset County**, affecting 10.0 acres, receiving stream Rush Run tributary to Wills Creek, application received December 14, 1995.

Bureau of Deep Mine Safety; Request for Variance

The Bureau of Deep Mine Safety has received a request for variance from **Maple Creek Mining, Inc.** The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Glen Ziegler by calling (717) 787-1376.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Thomas J. Ward, Jr., Director, Bureau of Deep Mine Safety, P. O. Box 8463, Harrisburg, PA 17105-8463.

Section 702 of The Bituminous Coal Mine Act (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 268(b) of The Bituminous Coal Mine Act, entitled Clearances and Shelter Holes, requires that shelter holes be provided on the clearance side along designated travelingways that are also used as haulage entries, other than belt conveyor haulage entries. Such shelter holes shall be spaced not more than 80 feet apart.

Summary of the request: Maple Creek Mining, Inc. is requesting permission to have areas of the mine devoid of shelter holes. The variance will apply to areas of the mine that were developed in excess of 70 years ago without shelter holes. Further, the use of crosscuts as shelter holes is not possible since the crosscuts are now inacces-

sible due to fatigue and collapse of roof and rib. Many of these areas are high with numerous locations having beams installed. Additionally, many areas are side bolted with plank. Due to the extensive amount of rehabilitation that would be required, Maple Creek Mining, Inc. feels that it would not be feasible to establish shelter holes in these areas.

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

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

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

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

E07-250. Encroachment. **Appleton Papers, Inc.**, 100 Paper Mill Road, Roaring Spring, PA 16673. To construct and maintain a 42-inch diameter vertical concrete caisson in the channel of Halter Creek as one of the eight supports for a proposed addition to an existing boiler building located at the downstream portion of Appleton Papers, Inc. No. 3 Coal Boiler Building (Roaring Spring, PA Quadrangle N: 16 inches; W: 4.3 inches) in Roaring Spring Borough, **Blair County**.

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

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

Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the 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.

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

E10-185A. Amendment. To amend permit no. E10-185 to authorize the change in pipe size from a 10-foot 8-inch wide by 6-foot 11-inch high CMP arch culvert to an 8-foot 2-inch wide by 5-foot 9-inch high CMP arch culvert in a tributary to Brush Creek on Graham School Road (T-304) west of its intersection with Rochester Road (SR3022) (Mars, PA Quadrangle N: 13.4 inches; W: 16.01 inches) in Cranberry Township, **Butler County**.

E20-432. Encroachment. **Department of Conservation & Natural Resources**, Pymatuning State Park, Jamestown, PA 16134. To construct and maintain a 60-foot wide by 525-foot long rock protected breakwater and attached 280-foot long floating attenuator/fishing pier, and a 150-slip floating boat dock system in Pymatuning Reservoir (WWF) for the construction of the Espyville Boat Livery. Project is located approximately 800 feet northwest of the intersection of S. R. 285 and T-302 (North Lake Road) in the village of Espyville in Pymatuning Reservoir (Andover OH, PA Quadrangle N: 19.6 inches; W: 0.35 inch), in North Shenango Township, **Crawford County**.

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

E09-708. Encroachment. **Cutler Group, Inc.**, 5 Sentry Parkway West, Suite 100, Blue Bell, PA 19422. To construct Harvard Avenue crossing of an unnamed tributary of Little Neshaminy Creek (WWF, MF) consisting of 72 linear feet of 30 inch RCP and associated stormwater inlets and endwalls which will impact 0.17 acre of adjacent wetlands and to place fill in a de minimous amount of wetland associated with the development of the yard of lot no. 53 of the proposed Abom Tract Subdivision situated approximately 1,000 feet west of the junction of Street Road (S. R. 3001) and Elbow Lane (T-387) (Ambler Quadrangle N: 20.7 inches; W: 4.8 inches) in Warrington Township, **Bucks County**.

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

Permit Applications

E02-1131. Encroachment. **Kelly Run Sanitation Inc.**, P. O. Box 333, Elizabeth, PA 15037. To place and maintain fill in 0.09 acre of wetlands as part of the proposed Phase III expansion of the Kelly Run Landfill. The project is located on Route 51, 2 miles south of Elizabeth (Monongahela, PA Quadrangle N: 21.7 inches; W: 1.9 inches) in Forward Township, **Allegheny County**.

E02-1132. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain bank stabilization, inlet and outlet rock weirs, and to perform grading in the floodway of Peters Creek as part of a 4.5 acre wetland construction project. The project is located on Snowden Road, approximately 0.5 mile from Gill Hall Road (Glassport, PA Quadrangle N: 4.4 inches; W: 12.4 inches) in South Park Township, **Allegheny County**.

E32-372. Encroachment. **Homer City Borough**, 30 E. Wiley St., Homer City, PA 15748. To operate and maintain light poles with associated wiring and a modular play structure in the floodway of Yellow Creek, a part of the upgrade to recreational facilities in the Borough Park, located on North Main Street (Glassport, PA Quadrangle N: 8.1 inches; W: 5.1 inches) in Homer City Borough, **Indiana County**.

E11-244. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16448. To remove existing structure known as Horner Street Bridge and to construct and maintain a 3-span prestressed concrete adjacent box beam bridge with a clear span of 73 feet and an underclearance of 31.3 feet over Stonycreek River (Johnstown, PA Quadrangle N: 5.1 inches; W: 10.1 inches) in the City of Johnstown, **Cambria County**.

ACTIONS

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

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

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

Permits Issued

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

NPDES Permit No. PA0027294. Sewerage. **Bristol Borough Water and Sewer Authority**, Pond and Mulberry Streets, Bristol, PA 19007 is authorized to discharge from a facility located in Bristol Township, **Bucks County** to Otter Creek, a tributary to the Delaware River (Estuary Zone No. 2).

NPDES Permit No. PA0026964. Amendment No. 1. Sewerage. **Oaks Wastewater Treatment Facility**,

P. O. Box 613, Five River Road, Oaks, PA 19456 is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** to the Schuylkill River.

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

NPDES Permit No. PA0041602. Industrial waste, **Exxon Company**, U.S.A., 2760 Neville Road, Pittsburgh, PA 15225 is authorized to discharge from a facility located at Neville Island Terminal, Neville Township, **Allegheny County** to Ohio River.

NPDES Permit No. PA0092797. Industrial waste, **Avonmore Rail Loading, Inc.**, P. O. Box 128, Latrobe, PA 15650 is authorized to discharge from a facility located at Conemaugh Township, **Indiana County** to Kiskiminetas River.

NPDES Permit No. PA0095010. Industrial waste, **Greater Johnstown Water Authority**, P. O. Box 1287, 111 Roosevelt Boulevard, Johnstown, PA 15907 is authorized to discharge from a facility located at Riverside Water Treatment Plant, Stonycreek Township, **Cambria County**.

NPDES Permit No. PA0204145. Industrial waste, **Guttman Oil Company**, 200 Speers Road, Belle Vernon, PA 15012 is authorized to discharge from a facility located at Guttman Oil Company, Speers Borough, **Washington County** to Monongahela River.

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

Permits Issued

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

Permit No. 0271417. Amendment No. 3. Sewerage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. Construction of sewer replacement located in Penn Hills, **Allegheny County** to serve the Universal Road (Gascola).

Permit No. 3091402. Sewerage, **Greensboro-Monongahela Joint Sewer Authority**, P. O. Box 342, Greensboro, PA 15338. Construction of sanitary sewers, two pump stations and sewage treatment plant located in Monongahela Township, **Greene County** to serve the Greensboro and the Glassworks Area of Monongahela Township.

Permit No. 6595202. Sewerage, **Westinghouse Electric Corporation**, Interstate 70, Exit 25A, Madison, PA 15663. Construction of Waltz Mill site located in Sewickley Township, **Westmoreland County** to serve the Supplemental Wastewater Filtration Plant and Main Radioactive Wastewater Treatment Plant.

The following approvals for coverage under NPDES Individual Permit for Discharges of Stormwater from Construction Activities have been issued.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4028.

Northeast Regional Office: Regional Water Management Program Manager, Two Public Square, Wilkes-Barre, PA 18701-3296, telephone (717) 826-2553.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A076	Maronda Homes Inc. 11 Timberglen Dr. Imperial, PA 15126	Robinson Twp. Allegheny Co.	UNT to Montour Run
PAS10S034	Pocono Mountains Mun. Airport Authority P. O. Box 115 Mt. Pocono, PA 13844	Coolbaugh Twp. Monroe Co.	Red Run
PAS10S036	Romec, Inc. Rt. 209, P. O. Box 190 Marshalls Creek, PA 18335	Stroud Twp. Monroe Co.	Flagler Run
PAS10U037	JET Properties 9331 Hamilton Blvd. Breinigsville, PA 18031	U. Nazareth Twp. Northampton Co.	Bushkill Crk.
PAS10U038	Liberty Property Trust 1510 Valley Ctr. Pkwy. Bethlehem, PA 18017	Hanover Twp. Northampton Co.	Monocacy Crk.
PAS10U039	Liberty Property Trust 1510 Valley Ctr. Pkwy. Bethlehem, PA 18017	Hanover Twp. Northampton Co.	Monocacy Crk.
PAS10U040	Tepes Constr. Co. 27 N. 9th St. Coplay, PA 18037	Allen Twp. Northampton Co.	Lehigh River
PAS10U041	Pheasant Ridge Dev. Corp. 2321 Silo Dr. Easton, PA 18040	Forks Twp. Northampton Co.	Bushkill Crk.
PAS10U042	Grand Central Sanit. Inc. 1963 Pen Argyl Rd. Pen Argyl, PA 18072	Plainfield Twp. Northampton Co.	UNT to Ltl. Bushkill Crk.

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant</i>	<i>Address</i>	<i>Municipality and County</i>	<i>Receiving Stream</i>
PAS10E011-1	Vem, Inc.	21101 Route 19 Cranberry Township, PA 16066	Cranberry Twp. Butler County	Brush Creek
PAS10E030-1	Dept. of Environmental Protection	P. O. Box 149 Ebensburg, PA 15931	Clay Township Butler County	Muddy Creek
PAS10E045	Lutheran Welfare Concordia Home	R. D. 1, 615 North Pike Road Cabot, PA 16023	Winfield and Jefferson Townships Butler County	Unnamed Tributary Buffalo Creek
PAS10K007	Pastore, Inc.	2315 West Grandview Blvd. Erie, PA 16506	Millcreek Township Erie County	Walnut Creek and tributaries

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.

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 422-4000.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W037	Metz Development Inc. and Waterdam Farms Residential Assoc. 524 Washington Rd. McMurray, PA 15317	N. Strabane Twp. Washington	UNT Little Chartiers Creek
PAS10A076	Maronda Homes, Inc. 11 Timberglen Dr. Imperial, PA 1516	Robinson Twp. Allegheny	UNT Montour Run
PAS10W044	Mary Lee and Steven Fusco 405 McCombs Road Venetia, PA 15367	Peters Twp. Washington	Peters Creek

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

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

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

Permits Issued

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

Permit No. 1594418. Amendment No. 1. Sewerage. **Suntech Associates and Kennett Township**, P. O. Box 75, Westtown, PA 19395. Construction of a sewage treatment plant and seepage beds located in Kennett Township, **Chester County** to serve the Ashford Subdivision.

Permit No. 1595411. Sewerage. **University of Pennsylvania School of Veterinary Medicine**, 382 West Street Road, Kennett Square, PA 19348. Construction and operation of a sewage treatment plant with spray irrigation system located in East Marlborough Township, **Chester County** to serve the New Bolton Center.

Permit No. 4695421. Sewerage. **Jeffrey and Luanne Stauffer**, 8 Newman Road, Pennsburg, PA 18073. Construction and operation of a small flow sewage treatment plant with spray irrigation located in Upper Hanover Township, **Montgomery County** to serve the Stauffer Residence.

Actions taken 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.

Permit No. 5691504-A1. Public water supply. **Meyersdale Municipal Authority**, 229 Center Street, Meyersdale, PA 15552.

Type of Facility: Crystal wells 1 and 2.

Consulting Engineer: Neilan Engineers, Inc., 1065 Taysman Avenue, Somerset, PA 15501.

Permit to Operate Issued: November 30, 1995

Permit No. 2695501. Public water supply. **Washington Township Municipal Authority**, 1390 Fayette Avenue, Belle Vernon, PA 15012.

Type of Facility: Metered interconnection with the Municipal Authority of Westmoreland County.

Consulting Engineer: Bankson Engineers, 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051.

Permit to Construct Issued: December 18, 1995

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

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

Permit No. 2295504. **Sunset View Mobile Home Park**, Washington Twp., **Dauphin County**, (William Mattern, R. D. 1, Box 91, Route 209, Lykens, PA 17048), the application is for a well, detention tank and distribution system serving an existing mobile home park. Proposed is a GAC treatment system, sedimentation filters, hypochlorination and detention tanks.

Permit No. 0695507. **Maidencreek Twp. Water Authority**, Maidencreek Twp., **Berks County**, (Earl R. Rothermel, Maidencreek Twp. Water Authority, P. O. Box 289, Blandon, PA 19510), treetop booster pump station.

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

495508. Public water supply. A permit was issued on December 8, 1995, to **Pennsylvania Gas and Water Company**, c/o William Ostrowski, 39 Public Square, Wilkes-Barre, PA 18711. This proposal involves the demolition of an existing storage tank and the construction of a new water storage tank and associated pressure control equipment to stabilize pressures and increase volume available for fire protection to existing customers in the Newport Township, **Luzerne County** area.

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.

CWM Chemical Services, Inc., 1135 Balmer Road, Model City, NY 14107-0200; License No. **PA-AH 0503**; license issued December 19, 1995.

CWM Holdings, Inc., 3956 State Route 412, Vickery, OH 43464; License No. **PA-AH 0502**; license issued December 7, 1995.

CWM Resource Recovery, Inc., P. O. Box 453, West Carrollton, OH 45449-0453; License No. **PA-AH 0506**; license issued December 21, 1995.

Robbie D. Wood, Inc., P. O. Box 125, Dolomite, AL 35061; License No. **PA-AH 0504**; license issued December 7, 1995.

Amended 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.

Eaglebrook Transport of Ohio, Inc., 17877 St. Clair Avenue, Cleveland, OH 44110; License No. **PA-AH 0369**; amended license issued December 18, 1995.

Capital Parts Washers, Inc., 570 Industrial Drive, Lewisberry, PA 17339; License No. **PA-AH 0401**; amended license issued December 19, 1995.

First Recovery, Division of Ecogard, Inc., P. O. Box 14047, Lexington, KY 40512; License No. **PA-AH 0449**; amended license issued December 19, 1995.

Gloucester Iron and Metal, Inc., Brick and Stinson Streets, Gloucester City, NJ 08030; License No. **PA-AH S222**; amended license issued December 18, 1995.

J.D.L. Leasing, 310 Evans Road, Zelienople, PA 16063; License No. **PA-AH S232**; amended license issued December 13, 1995.

Set Environmental, Inc., 450 Sumac Road, Wheeling, IL 60090; License No. **PA-AH S226**; amended license issued December 18, 1995.

SMP, Inc., 200 Fayette Street, Phillipsburg, NJ 08865; License No. **PA-AH S221**; amended license issued December 18, 1995.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) 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.

D&M Tank Cleaning, Inc., 194 Fifth Street, Saddlebrook, NJ 07662; License No. **PA-AH 0448**; application terminated November 29, 1995.

Smith Systems Transportation, Inc., P. O. Box 1054, Scottsbluff, NE 69363; License No. **PA-AH S235**; application terminated November 30, 1995.

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

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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

Permit: **35-399-030**
Source: Cutoff Saw with Baghouse
Company: **Pennsylvania Extruded Tube Co.**
Location: South Abington Township
County: **Lackawanna**

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

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

A plan approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-322-001A**
Source: Landfill Gas Extraction/Flare
Issued: December 5, 1995
Company: **Keystone Sanitary Landfill Inc.**
Location: Throop Borough
County: **Lackawanna**

Permit: **40-302-058A**
Source: Boiler No. 7 Cleaver Brooks D52S
Issued: December 14, 1995
Company: **U G I Corporation**
Location: Hunlock Township
County: **Luzerne**

Permit: **48-309-092**
Source: (2) Glass Bead Ovens w/Baghouse
Issued: December 14, 1995
Company: **Todd Heller Inc.**
Location: Northampton Borough
County: **Northampton**

Permit: **48-315-002B**
Source: Paper Trim System w/Cyclone
Issued: December 14, 1995
Company: **James River Paper Company Inc.**
Location: Forks Township
County: **Northampton**

Permit: **54-399-023**
Source: N1 Corona Treater w/Ozone Control
Issued: December 14, 1995
Company: **Allied-Signal, Incorporated**
Location: Norwegian Township
County: **Schuylkill**

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

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

Permit: **15-399-039**

Source: Heat Cleaning Oven

Issued: December 8, 1995

Company: **LNP Engineering Plastics, Inc.**

Location: Caln

County: **Chester**

Permit: **46-307-008**

Source: Electrical Induction Furnace

Issued: December 15, 1995

Company: **Freedom Alloys, Inc.**

Location: Royersford

County: **Montgomery**

Permit: **15-318-017**

Source: Paint Spray Booth

Issued: December 20, 1995

Company: **Pepsi-Cola**

Location: West Goshen

County: **Chester**

Permit: **46-318-043**

Source: Two Paint Spray Booths

Issued: December 20, 1995

Company: **Department of the Air Force**

Location: Horsham

County: **Montgomery**

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

Source: Two Boilers

Issued: November 30, 1995

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

Location: Hatfield

County: **Montgomery**

Permit: **15-316-001**

Source: Wood Coating Operation

Issued: December 5, 1995

Company: **Premier Woodcraft, LTD**

Location: South Coatesville

County: **Chester**

Permit: **15-399-042**

Source: Metal Recycling Shredder

Issued: December 4, 1995

Company: **Coatesville Scrap Iron & Metal**

Location: South Coatesville

County: **Chester**

Permit: **15-310-040**

Source: Mold Grinding Operation

Issued: December 5, 1995

Company: **Lukens Steel**

Location: South Coatesville

County: **Chester**

Permit: **23-399-026**

Source: Four Emergency Gas Turbine Generators

Issued: December 7, 1995

Company: **Boeing Defense & Space Group**

Location: Ridley

County: **Delaware**

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

Permit: **23-312-196**

Source: Gasoline Loading of Marine Vessels

Issued: December 15, 1995

Extended: April 15, 1996

Company: **BP Oil Co.**

Location: Trainer

County: **Delaware**

Permit: **15-309-017**

Source: Pebble Lime Loading Spout

Issued: December 15, 1995

Extended: April 15, 1996

Company: **Warner Co.**

Location: East Whiteland

County: **Chester**

Permit: **46-329-011**

Source: Emergency Generator

Issued: December 15, 1995

Extended: April 15, 1996

Company: **Merck & Company, Inc.**

Location: Upper Gwynedd

County: **Montgomery**

Permit: **15-310-037**

Source: Pebble Lime Crusher and Conveyor

Issued: December 15, 1995

Extended: April 15, 1996

Company: **Warner Co.**

Location: East Whiteland

County: **Chester**

Permit: **46-308-017**

Source: Scrap Aluminum Metal

Issued: November 30, 1995

Extended: March 31, 1996

Company: **Recycle Metals Corporation**

Location: Conshohocken

County: **Montgomery**

Permit: **09-303-026**

Source: Rush Valley Asphalt Plant

Issued: November 30, 1995

Extended: March 31, 1996

Company: **Eureka Stone Quarry, Inc.**

Location: Wrightstown

County: **Bucks**

Permit: **09-313-082**

Source: Bottled Gas Cleaning Process

Issued: November 30, 1995

Extended: March 31, 1996

Company: **Messer Griesheim Industries, Inc.**

Location: Falls

County: **Bucks**

Permit: **46-318-037**

Source: Can Side Seam Welding and Coating Lines

Issued: November 30, 1995

Extended: March 30, 1996

Company: **United States Can Company**

Location: Horsham

County: **Montgomery**

Permit: **15-313-025B**

Source: Hazardous Waste Treatment Facility

Issued: November 30, 1995

Extended: March 31, 1996

Company: **Advanced Environmental Technical Services, LLC**

Location: Valley

County: **Chester**

Permit: **15-313-025C**

Source: Two Recovery Silos and one Storage Silo

Issued: November 30, 1995

Extended: March 31, 1996

Company: **Advanced Environmental Technical Services, LLC**

Location: Valley

County: **Chester**

Permit: **46-313-138**
 Source: Two Shell Freezers
 Issued: November 30, 1995
 Extended: March 30, 1996
 Company: **Merck & Company, Inc.**
 Location: Upper Gwynedd
 County: **Montgomery**

Permit: **23-313-003B**
 Source: Methyl Methacrylate Processing System
 Issued: November 30, 1995
 Extended: March 31, 1996
 Company: **Esschem, Inc.**
 Location: Lower Chichester
 County: **Delaware**

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

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

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

Permit: **OP-46-0030**
 Source: Facility NOx RACT
 Issued: December 1, 1995
 Company: **Martin Marietta Astro Space**
 Location: King of Prussia
 County: **Montgomery**

Permit: **OP-09-0002**
 Source: Facility VOC sources
 Issued: December 1, 1995
 Company: **Penn Color, Inc.**
 Location: Doylestown
 County: **Bucks**

Permit: **OP-46-0059**
 Source: Facility VOC sources
 Issued: December 12, 1995
 Company: **Handelok Bag Company**
 Location: Telford
 County: **Bucks**

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

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

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

Permit: **46-327-013**
 Source: Vapor Degreaser No. 1
 Issued: December 1, 1995
 Company: **Uniform Tubes, Inc.**
 Location: Trappe
 County: **Montgomery**

Permit: **09-310-054**
 Source: Commercial Milling Operation
 Issued: December 12, 1995
 Company: **Powdersize, Inc.**
 Location: Richland
 County: **Bucks**

Permit: **09-399-031**
 Source: Resin Injection Transfer Mold
 Issued: December 18, 1995
 Company: **Met-Pro Corporation FYBROC Division**
 Location: Telford
 County: **Bucks**

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.

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

03-000-027. On November 29, 1995, a plan approval expiration date was extended to January 31, 1996, for the **Pennsylvania Electric Company** (1001 Broad Street, Johnstown, PA 15907) for Low NOx Burners for a steam electric generator at its Keystone Generating Station located in Plumcreek Township, **Armstrong County**.

30-306-004. On November 29, 1995, a plan approval expiration date was extended to March 7, 1996, for **West Penn Power Company** (800 Cabin Hill Drive, Greensburg, PA 15601) for Low NOx Burners with separated overfire air at its Hatfield Power Station located in Monongahela Township, **Greene County**.

03-306-006. On November 29, 1995, a plan approval expiration date was extended to August 31, 1996, for **West Penn Power Company** (800 Cabin Hill Drive, Greensburg, PA 15601) for coal-fired boiler, unit no. 1 at its Armstrong Power Station, Unit 2 located in Washington Township, **Armstrong County**.

03-307-001A. On November 29, 1995, a plan approval expiration date was extended to February 28, 1996, for **Allegheny Ludlum Steel Corp.** (100 River Road, Brackenridge, PA 15014) for a fume scrubber for the 67 heat flatten and coating line at its Bagdad Plant located in Leechburg Borough, **Armstrong County**.

26-303-006A. On November 29, 1995, a plan approval expiration date was extended to November 30, 1996, for **Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425) for a RAP Processing System for an asphaltic concrete plant at its Springfield Pike Facility, located in Connellsville Township, **Fayette County**.

32-000-059. On November 29, 1995, a plan approval expiration date was extended to January 1, 1996, for the **Pennsylvania Electric Company** (1001 Broad Street, Johnstown, PA 15907) for NOx Sources at the Conemaugh Station unit nos. 1 and 2 located in West Wheatfield Township, **Indiana County**.

63-303-007. On November 29, 1995, a plan approval expiration date was extended to June 15, 1996, for **Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425) for a baghouse for a bituminous asphalt manufacturing operation at its Dunningville Facility located in Somerset Township, **Washington County**.

03-308-002. On November 9, 1995, a plan approval was issued to **Vista Metals, Inc.** (1024 East Smithfield St., McKeesport, PA 15135) for a condenser for materials

dryers at its Kittanning Plant located in East Franklin Township, **Armstrong County**.

04-302-060. On November 30, 1995, a plan approval was issued to **Interforest Corporation** (119 AID Drive, P. O. Box 444, Darlington, PA 16114) for a gas fired boiler at its facility located in Darlington Township, **Beaver County**.

04-307-037A. On November 9, 1995, a plan approval was issued to **J & L Structural, Inc.** (111 Station St., Aliquippa, PA 15001) for a flue gas recirculation system for a billet reheat furnace at its Aliquippa Plant located in Aliquippa Borough, **Beaver County**.

04-307-094A. On November 9, 1995, a plan approval was issued to **J & L Specialty Steel, Inc.** (12th and Midland Avenues, Midland, PA 15059) for the direct roll A & P Line at its Midland Plant located in Midland Borough, **Beaver County**.

04-310-012. On November 30, 1995, a plan approval was issued to **Tajon Warehousing Corp.** (2701 Midland-Beaver Road, Industry, PA 15052) for dust collectors, baghouses and atomized water spray systems for a barge/rail terminal at the Arrow Terminals Plant located in Industry Borough, **Beaver County**.

32-305-031A. On November 22, 1995, a plan approval was issued to **Avonmore Rail Loading, Inc.** (R. D. 1, Box 119, Avonmore, PA 15618) for a road sweeper and sprinkler truck for a coal loadout facility located in Conemaugh Township, **Indiana County**.

65-309-061B. On November 22, 1995, a plan approval was issued to **Norton Pakco Industrial Ceramics** (55 Hillview Avenue, Latrobe, PA 15650) for cartridge filters for a ceramic mixing and firing operation at its facility located in Derry Township, **Westmoreland County**.

65-310-015. On October 24, 1995, a plan approval was issued to **Tasman Resources, Ltd.** (1301 Fox Chapel Road, Pittsburgh, PA 15238) for a temporary stone crushing plant located in Derry Township, **Westmoreland County**.

Northwest Regional Office: Devendra Verma, Engineering Services Chief, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6940.

25-315-007. On November 22, 1995, a plan approval was issued to **International Paper Company**, Erie Mill (P. O. Box 10050, Erie, PA 16533) for the construction of a flexographic printing process at their facility in Erie, **Erie County**.

43-399-014. On December 14, 1995, a plan approval was issued to **Werner Company** (93 Werner Road, Greenville, PA 16125) for the construction of a fiberglass pultrusion operation in Sugar Grove Township, **Mercer County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following

statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

District Mining Operations, R. D. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Permits Issued

65940401. Tasman Resources, Ltd. (P. O. Box 81620, Pittsburgh, PA 15217-0420). Permit issued for commencement, operation and reclamation of a large noncoal surface and underground mine located in Derry and Fairfield Townships, **Westmoreland County**, affecting 970.0 acres. Receiving streams unnamed tributaries to Snyders Run and to Snyders Run, unnamed tributaries to Trout Run and to Trout Run, and unnamed tributaries to McGee Run, and to unnamed tributaries to Hillside Run and to Hillside Run. Application received September 15, 1994. Permit issued December 21, 1995.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

Coal Permits Issued

33950105. Swisher Contracting, Inc. (R. D. 2, Box 81, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous strip operation in Snyder Township, **Jefferson County** affecting 105.0 acres. Receiving streams three unnamed tributaries to Walburn Run and Walburn Run. Application received July 10, 1995. Permit issued December 5, 1995.

102672-33950105-E-1. Swisher Contracting, Inc. (R. D. 2, Box 81, Clearfield, PA 16830). Application for a stream encroachment to construct and maintain haul road crossings over unnamed tributaries no. 1 and 3 to Walburn Run. Mining activities may be conducted no closer than 50 feet to the unnamed tributaries for the purposes of support facility construction, and no closer than 100 feet for the purpose of mineral extraction. Receiving streams three unnamed tributaries to Walburn Run and Walburn Run. Application received July 10, 1995. Permit issued December 5, 1995.

10803018. Western Hickory Coal Co., Inc. (P. O. Box 49, Portersville, PA 16051). Renewal of an existing bituminous strip and auger operation in Venango Township, **Butler County** affecting 509.9 acres. Receiving streams three unnamed tributaries of Seaton Creek and two unnamed tributaries to Little Scrubgrass Creek and Little Scrubgrass Creek. Application received August 4, 1995. Permit issued December 8, 1995.

10900110. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip operation in Parker Township, **Butler County** affecting 470.0 acres. Receiving streams four unnamed tributaries of Bear Creek. This renewal is issued for reclamation only. Application received October 17, 1995. Permit issued December 11, 1995.

61783001. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Revision to an existing bituminous strip and auger operation to change the post-mining land use from cropland to industrial/commercial use on a portion of the C & K Coal Company property in Scrubgrass and Allegheny Townships, **Venango and Butler Counties**. Receiving streams unnamed tributary to Little Scrubgrass Creek. Application received October 24, 1995. Permit issued December 12, 1995.

10950104. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and

restoration of a bituminous strip operation in Jackson and New Sewickley Townships, **Butler and Beaver Counties** affecting 71.5 acres. Receiving streams unnamed tributary to Muntz Run and Muntz Run. Application received July 21, 1995. Permit issued December 12, 1995.

102360-10950104-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to affect within 100 feet of Muntz Run to upgrade and maintain a haul road crossing over Muntz Run in Jackson and New Sewickley Townships, **Butler and Beaver Counties**. Receiving streams unnamed tributary to Muntz Run and Muntz Run. Application received July 21, 1995. Permit issued December 12, 1995.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

03841312. Hays Run Coal Company (One Glade Park East, R. D. 8, Box 46, Kittanning, PA 16201), to revise the permit for the Spaces Corner bituminous deep mine in Rayburn Township, **Armstrong County** for post mining land use change, no additional discharge. Permit issued December 1, 1995.

30753712. Cyprus Emerald Resources Corporation (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Emerald No. 1 coal refuse disposal area in Franklin Township, **Greene County**, no additional discharge. Permit issued December 4, 1995.

56911601. Godin & Goden Coal Company (R. D. 3, Box 61R, Boswell, PA 15531), to revise the permit for the Godin & Goden crusher site in Jenner Township, **Somerset County** for land use change, no additional discharge. Permit issued December 4, 1995.

63743705. BethEnergy Mines, Inc. (P. O. Box 143, Eighty Four, PA 15330), to renew the permit for the Marianna No. 58 coal refuse disposal site in Marianna Borough, **Washington County** for reclamation only, no additional discharge. Permit issued December 6, 1995.

33951301. Doverspike Brothers Coal Company (R. D. 4, Box 271, Punxsutawney, PA 15767), to operate the Dora No. 7 bituminous deep mine in Perry Township, **Jefferson County** for new mine, receiving streams unnamed tributary to Big Run, Big Run, Little Sandy Creek, Redbank Creek and Allegheny River. Permit issued December 6, 1995.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17930110. Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847), revision to an existing bituminous surface mine permit in Cooper Township, **Clearfield County** to add 17.3 acres for mining and support and to change the post-mining land use on 6 acres from forestland to pastureland, application received October 18, 1995, permit issued December 6, 1995.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Small Noncoal Authorizations Granted

53950802. Larry T. Coole (R. D. 2, Coudersport, PA 16915), commencement, operation and restoration of a Small Noncoal (Flagstone) permit in Sharon Township, **Potter County** affecting 2 acres, application received August 31, 1995, authorization granted December 11, 1995.

08940808. Arden Newton (R. D. 2, Box 165A, Wyalusing, PA 18853), commencement, operation and restoration of a Small Noncoal (Flagstone) permit in Terry Township,

Bradford County affecting 1 acre, application received November 17, 1994, authorization granted December 11, 1995.

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

Permits Issued and Actions on 401 Certifications:

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

E15-503. Encroachment. **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355-1699. To remove an existing dilapidated bridge which conveys Church Road over Valley Creek, and to install, operate and maintain, a precast 5-foot by 11-foot box culvert with a 6-inch recessed invert, at the same location (Malvern, PA Quadrangle N: 8.5 inches; W: 8.8 inches) in East Whiteland Township, **Chester County**. Work commenced under emergency permit EP1595305. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

E05-230. Encroachment. **Charles D. Cicala**, R. R. 3, Box 262, Clearville, PA 15535. To maintain twin culverts 4-foot and 3-foot in diameter respectively along the channel of Blues Gap Run to access the home of the Cicalas located about 1.2 miles northwest of Elbinsville Village (Channeysville, PA Quadrangle N: 3.8 inches; W: 15.2 inches) in Southampton Township, **Bedford County**.

E07-247. Encroachment. **Crown American Financing Partnership**, Pasquerilla Plaza, Johnstown, PA 15907. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre for the purpose of expanding parking facilities at the Logan Valley Mall associated with the Mall expansion located on the northwest side of the Mall property (Hollidaysburg, PA Quadrangle N: 17.2 inches; W: 4.8 inches) in Logan Township, **Blair County**.

E07-249. Encroachment. **Annette Lehman**, P. O. Box 419, Hollidaysburg, PA 16648. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre for the purpose of providing driveway access to a proposed mini storage building commercial property located along Scotch Valley Road about 320 feet west of its crossing of Brush Run (Hollidaysburg, PA Quadrangle N: 11.8 inches; W: 0.1 inch) in Hollidaysburg Borough, **Blair County**.

E21-235. Encroachment. **East Pennsboro Township**, 98 S. Enola Dr., Enola, PA 17025. To install and maintain an 18-inch diameter sanitary sewer line across, in and along the right bank's floodplain and floodway of the Conodoguinet Creek to improve and serve the existing housing development located beginning at a point just east of the Oyster Mill Road and Windswept Way intersection, thence upstream at a point west of Acri Meadow Road (Harrisburg West, PA Quadrangle N: 3.4 inches; W: 9.3 inches) in East Pennsboro Township, **Cumberland County**.

E21-241. Encroachment. **Huckleberry Land Water Association**, 705 South Mountain Estates Road, Shipensburg, PA 17257. To reconstruct and maintain an infiltration gallery for water supply purposes having dimensions of 8-foot wide × 20-foot long and 8-foot deep along the channel of Strohmes Hollow Run located about 1.3 miles southeast of South Mountain Chapel (Walnut Bottom, PA Quadrangle N: 6.7 inches; W: 6.2 inches) in Southampton Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E22-346. Encroachment. **Jackson Township**, 450 Bastian Road, Halifax, PA 17032. To remove an existing culvert and to construct and maintain a twin 60-inch culvert crossing in the channel of a tributary to Armstrong Creek at a point at Keiter Road (T-722) (Elizabethville, PA Quadrangle N: 1.5 inches; W: 16.1 inches) in Jackson Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E28-233. Encroachment. **Franklin County Commissioners**, 157 Lincoln Way East, Chambersburg, PA 17201. To remove the existing bridge and to construct and maintain a new concrete bridge having a clear span of 32 feet with a minimum underclearance of 8.4 feet over Campbell Run on Keller Road (T-420) and to widen the stream channel beginning from the new bridge to a point 65 feet upstream and downstream of same, located about 1.5 miles south of St. Thomas Village (St. Thomas, PA Quadrangle N: 4.2 inches; W: 6.1 inches) in St. Thomas Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E31-120. Encroachment. **Orbisonia-Rockhill Joint Municipal Authority**, P. O. Box 346, Orbisonia, PA 17243. To construct and maintain an equalization tank, chlorination building and reed beds in the floodplain of Blacklog Creek for the purpose of upgrading an existing

wastewater treatment plant located along the east side of Blacklog Creek at the northern corporate boundaries of Rockhill and Orbisonia Boroughs (Orbisonia, PA Quadrangle N: 22.1 inches; W: 3.2 inches) in Cromwell Township, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E36-585. Encroachment. **Manheim Township Commissioners**, 1840 Municipal Drive, Lancaster, PA 17601. To remove the existing culvert, construct and maintain a twin-cell reinforced concrete box culvert with openings of 12-foot wide × 4-foot high in each cell on the Fruitville Pike (S. R. 4011) across a tributary to Little Conestoga Creek. The tributary will be realigned for about 290 feet upstream and 220 feet downstream of Fruitville Pike in a 5-foot bottom width, riprap lined channel. Fill will be placed in 0.18 acre of wetlands for lane widening improvements along 600 feet of the north side of Buch Avenue (Lancaster, PA Quadrangle N: 17.2 inches; W: 11.1 inches) in Manheim Township, **Lancaster County**. The permittee is required to provide 0.18 acre of replacement wetlands.

E36-594. Encroachment. **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527. To remove the existing structure, construct and maintain a prestressed concrete spread box beam bridge having a clear span of 31.75 feet with an underclearance of 4.83 feet across Pequea Creek on Mount Vernon Road (T-904) (Honeybrook, PA Quadrangle N: 3.6 inches; W: 14.8 inches) in Salisbury Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E38-112. Encroachment. **Crossgates, Inc.**, 3555 Washington Road, McMurray, PA 15317. To fill 2.05 acres of jurisdictional wetlands, drain and fill a 0.72 acre pond for the construction of a 1.5 million square foot warehouse distribution facility, a 30,000 square foot office building, parking and access facilities. The site is located 0.5 mile west of I-81 at Interchange 30, between Fisher Avenue and Bordnersville Road (Indiantown Gap, PA Quadrangle N: 12 inches; W: 3.6 inches) in Union Township, **Lebanon County**. The permittee is required to replace 2.77 acres of wetland onsite with hydrology from ground sources augmented with stormwater.

E67-548. Encroachment. **Hantz Enterprises, Inc.**, 188 Tyler Run Road, York, PA 17403. To excavate 3.1 acres in the floodway of an unnamed tributary to Codorus Creek and place fill for the construction of a stormwater management pond located south of Tyler Run Road 0.25 mile west of its intersection with S. R. 0074 (York, PA Quadrangle N: 12.8 inches; W: 12.8 inches) in York Township, **York County**.

E67-549. Encroachment. **Rene DeBrabander**, 1623 Pot Spring Road, Lutherville, MD 21093. To excavate and place fill in the floodway. To pave 180 linear feet of an intermittent stream channel and to temporarily impact a total of 588 linear feet of intermittent stream channel. All above said work will be done in an unnamed intermittent tributary to Willis Run for the purpose of creating a stormwater management facility to be located west of Greenbriar Road approximately 2,000 feet south of its intersection with S. R. 0238 (West York, PA Quadrangle N: 21.6 inches; W: 3 inches) in Manchester Township, **York County**.

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

Permits Issued

E02-1126. Encroachment. **Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To construct and maintain a 260-foot long section of a twin cell box culvert, each cell having a span of 20 feet with an underclearance of 17 feet in Saw Mill Run, to improve the channel of said stream for a distance of approximately 200 feet and to remove the existing Michael's Marina building along the left bank of said stream for the purpose of improving the southern terminus of the Liberty Tunnels. The project is located on S. R. 0051, Section A20/A31, just downstream of the intersection of Warington Avenue and S. R. 0051 (Pittsburgh West, PA Quadrangle N: 7.2 inches; W: 1.5 inches) in the City of Pittsburgh, **Allegheny County**.

E03-009-A1. Encroachment. **R. J. Brown Towing Company**, P. O. Box 407, Tarentum, PA 15084. To amend, reissue and extend the time of Permit No. E03-009 to construct and maintain two additional three-pile clusters in the channel of the Allegheny River for the purpose of extending the existing general purpose docking facility. The project is located along the right bank of said stream, at River Mile 43.8 (Kittanning, PA Quadrangle N: 8.25 inches; W: 2.8 inches) in North Buffalo Township, **Armstrong County**.

E26-213. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To operate and maintain a bridge composed of three 48-inch RCP culverts (center pipe is depressed 1 foot) across Little Redstone Creek constructed under Emergency Permit No. EP2695201. The bridge is located on S. R. 4034, Segment 0020, Offset 0000 (Fayette City, PA Quadrangle N: 10.1 inches; W: 7.9 inches) in Township, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E56-255. Encroachment. **Department of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove two existing structures and to construct and maintain a 20-foot × 6.5-foot precast R. C. box culvert (depressed by 1 foot) in a tributary to the East Branch of Coxes Creek on S. R. 3025-03B at Station 31+66.90 (Murdock, PA Quadrangle N: 22.2 inches; W: 10.9 inches) and a bridge having a normal span of 45.62 feet with an underclearance of 9.89 feet across the east branch of Coxes Creek on S. R. 3025-03B at Station 37+88 (Murdock, PA Quadrangle N: 22.5 inches; W: 11.0 inches) in Somerset Township, **Somerset County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E63-385. Encroachment. **Metz Development Company**, 524 Waterdam Road, McMurray, PA 15317. To remove the existing structure and to construct and maintain two 9-foot diameter CMP culverts in an unnamed tributary to Little Chartiers Creek to provide access to the proposed residential development located approximately 1,250 feet south of the intersection of Saddle Club Drive and Waterdam Road (Bridgeville, PA Quadrangle N: 0.4 inch; W: 17.0 inches) in North Strabane Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

E18-204. Encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove the

existing structure and to construct and maintain a three span continuous prestressed concrete I-beam bridge 331 feet in length with an average underclearance of 19 feet over Pine Creek on S. R. 1016 approximately 500 feet south of the S. R. 220 bridge and a temporary causeway on the south side of the west approach (Jersey Shore, PA Quadrangle N: 13.10 inches; W: 5.90 inches) in Pine Creek Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E19-142. Encroachment. **Zeisloft Construction Co.**, P. O. Box 338, Bloomsburg, PA 17815-0338. To place fill in .56 acre of palustrine emergent wetlands and temporary fill of de minimus palustrine emergent wetlands along an unnamed tributary of Neals Run with a wetland replacement of 1.13 acres. The purpose of the project is to create sufficient building and parking spaces for two commercial lots. The site is located 2 miles north of the intersection of S. R. 0011 and S. R. 0487 (Bloomsburg, Quadrangle N: 1.75 inches; W: 6.5 inches) in Scott Township, **Columbia County**.

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

E10-223. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003. To remove the existing bridge and to construct and maintain a bridge having a clear span of 18 feet and an underclearance of 6 feet across a tributary to Buffalo Creek on Oak Road (T-701) approximately 1 mile east of the Borough of Chicora (Chicora, PA Quadrangle N: 14.0 inches; W: 14.1 inches) in Donegal Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E10-224. Encroachment. **Slippery Rock Area School District**, 201 Kiester Road, Slippery Rock, PA 16057. To fill a total of 0.32 acre of five wetland areas as part of the construction of two athletic fields along the north side of the existing southern high school entrance driveway approximately 500 feet east of S. R. 0173 (Slippery Rock, PA Quadrangle N: 9.9 inches; W: 6.5 inches) in Slippery Rock Township, **Butler County**. This project includes the construction of 0.32 acre of replacement wetland adjacent to the athletic fields.

E20-430. Encroachment. **South Park Plaza, Inc.**, 290 Park Avenue Plaza, Meadville, PA 16335. To construct and maintain two buildings within the mapped FEMA floodway of French Creek in the existing Park Avenue Plaza retail/commercial development located along the west side of S. R. 06/19/322 approximately 1 mile east of I-79 (Geneva, PA Quadrangle N: 22.4 inches; W: 4.8 inches) in Vernon Township, **Crawford County**. This permit was issued under section 105.13(e) "Small Projects".

E16-092. Encroachment. **Pennsylvania-American Water Company**, 300 Galley Road, McMurray, PA 15317. To install a 1,400-foot long extension onto the existing 16-inch diameter raw water intake pipe and to maintain the intake structure in the Clarion River at the Clarion Water Treatment Plant northeast of the borough of Clarion on Waterworks Road (Clarion, PA Quadrangle N: 16.75 inches; W: 0.0 inches) in Clarion Township and Clarion Borough, **Clarion County**. The intake structure is located approximately 6.8 river miles upstream of Piney Dam (D16-019) and is within the normal pool area of the reservoir. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E42-235. Encroachment. **Columbia Gas Transmission Corporation**, P. O. Drawer A, Brookville, PA 15825. To operate and maintain an 8-inch diameter steel natural gas pipeline across Kinzua Creek approximately 900 feet northwest of the intersection of S. R. 0219 and S. R. 3006 in the village of Tallyho (Lewis Run, PA Quadrangle N: 3.2 inches; W: 13.1 inches) in Lafayette Township, **McKean County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E42-237. Encroachment. **Department of Transportation**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear normal span of 51.5 feet and a minimum underclearance of 6.3 feet across Walcott Brook on S. R. 0046, Section A01 in the Village of Crosby (Crosby, PA Quadrangle N: 22.1 inches; W: 2.2 inches) in Norwich Township, **McKean County**.

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631-641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

Permits issued on November 30, 1995.

WA2-538A. Water allocation. **The Borough of Millvale, Allegheny County**. The right to purchase up to 600,000 gallons per day (gpd) of water (2,271 million liters per day), as a 30-day average, from the City of Pittsburgh Water and Sewer Authority.

[Pa.B. Doc. No. 96-14. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professionals Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the project listed which is a correction to scope of work for Project No. DGS 573-21 which was advertised in the December 16, 1995 issue of the *Pennsylvania Bulletin*. Design professionals interested in this work should apply for:

Project No. DGS 573-21—Construction of a Baghouse and Installation of Stack Emissions Scrubbers and Existing Boiler Renovation/Replacement, State Correctional Institution, Camp Hill, Cumberland County, PA. Construction cost: \$3,658,000. The scope of work includes, but is not limited to, boiler no. 4 repair work including replacing all wear parts of the stoker, replacing all boiler tubes and installing new combustion controls; installation of a baghouse collector to service boilers no. 2, no. 3 and no. 4, including the baghouse, induced draft fans, foundations, structural support and ductwork; installation of a new plant ash handling system, including modifications to the existing bottom ash hoppers, installation of ash transport piping, a new ash silo with receiving equipment, an ash unloader and blowers.

Requirements and Information

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or joint venture members must be the professional of record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the professional of record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, January 12, 1996, and addressed to the

Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the scope.

The professional agrees to comply with the terms of the agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. Recommendations for selection made by the Committee shall be final under the Act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-15. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chestnut Hill Rehab Hospital; Public Meeting Rescheduled

The Department of Health has rescheduled the public meeting on the proposal by Chestnut Hill Rehab Hospital, 8601 Stenton Avenue, Wyndmoor, PA 19038. The applicant proposes redistribution of 61 TRICO rehab beds to Chestnut Hill, Grand View, North Penn, Jeanes, Pottstown and Roxborough Hospitals.

The meeting will be held at 9 a.m., Friday, January 26, 1996, in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. This meeting is subject to cancellation without further notice.

Notice is published in accordance with section 704(b) of the Health Care Facilities Act (35 P. S. § 448.704(b)).

For additional information, contact the Division of Need Review at (717) 787-5601.

PETER J. JANNETTA, M.D.,
Secretary

[Pa.B. Doc. No. 96-16. Filed for public inspection January 5, 1996, 9:00 a.m.]

Notice of Beginning of Review; Certificate of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-95-G-2489-B: Valley View Home c/o Complete Care Services, 120 Gibraltar Road, Suite 310, Horsham, PA 19044. The proposal involves new construction to replace 120 beds at the county nursing home in Blair County at an estimated cost of \$6,000,000.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning January 6, 1996. Interested persons, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing, within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, the meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The public meeting for Valley View Home will begin at 1 p.m. on Friday, January 26, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

PETER J. JANNETTA, M.D.,
Secretary

[Pa.B. Doc. No. 96-17. Filed for public inspection January 5, 1996, 9:00 a.m.]

The Passavant Hospital; Public Meeting Rescheduled

The Department of Health has rescheduled the public meeting on the proposal by The Passavant Hospital, 9100 Babcock Boulevard, Pittsburgh, PA 15237. The applicant proposes the establishment of a 24-bed hospital based skilled nursing unit.

The meeting will be held at 11 a.m., Friday, January 26, 1996, in Room 812 of the Health and Welfare

Building, Seventh and Forster Streets, Harrisburg, PA. This meeting is subject to cancellation without further notice.

Notice is published in accordance with section 704(b) of the Health Care Facilities Act (35 P. S. § 448.704(b)).

For additional information, contact the Division of Need Review at (717) 787-5601.

PETER J. JANNETTA, M.D.,
Secretary

[Pa.B. Doc. No. 96-18. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Unemployment Compensation Benefit Rate Table

The purpose of this notice is to effect the automatic extension of the Unemployment Compensation Benefit Rate Table. Each year the maximum weekly benefit rate is calculated as 66 2/3% of the average weekly wage in covered employment for the preceding fiscal year. The maximum weekly benefit rate for unemployment compensation purposes in Pennsylvania during calendar year 1996 will be \$352.

Under the authority contained in section 201 of Article II and section 404(e)(2) of Article IV of the Unemployment Compensation Law (43 P. S. § 761 and 804(e)(2)) and 34 Pa. Code § 65.111 (relating to benefit table), the table for

1996 is being adopted by this notice and will be codified at 34 Pa. Code Chapter 65, Appendix A. See 14 Pa.B. 4688 (December 29, 1984).

The deadline for conformity is January 1, 1996, as established by section 404(e)(2) of the Unemployment Compensation Law.

Any questions concerning this notice should be directed to Herbert W. Hoffman, Executive Deputy Secretary, Labor and Industry Building, Harrisburg, PA 17120.

JOHNNY J. BUTLER,
Secretary

(Editor's Note: The following table will be codified at 34 Pa. Code Chapter 65, Appendix A under 1 Pa. Code § 3.1(9).)

Unemployment Compensation Maximum Weekly Benefit Rate Table

	1995	1996
Average covered employment for preceding fiscal year	\$4,881,159	\$4,965,705
Average weekly wage for preceding fiscal year	\$509.25	\$527.26
66-2/3% of average weekly wage	\$339.50	\$351.51
Maximum weekly benefit rate	\$340	\$352
Maximum dependents allowance	\$8	\$8
Total maximum weekly benefit	\$348	\$360

Part A Highest Quarterly Wage	Part B Rate of Compensation	Part C Qualifying Wages	Part D Amount of Compensation	Part E
800— 812	\$ 35	\$ 1,320	\$ 910	\$ 560
813— 837	36	1,360	936	576
838— 862	37	1,400	962	592
863— 887	38	1,440	988	608
888— 912	39	1,480	1,014	624
913— 937	40	1,520	1,040	640
938— 962	41	1,560	1,066	656
963— 987	42	1,600	1,092	672
988—1,012	43	1,640	1,118	688
1,013—1,037	44	1,680	1,144	704
1,038—1,062	45	1,720	1,170	720
1,063—1,087	46	1,760	1,196	736
1,088—1,112	47	1,800	1,222	752
1,113—1,162	48	1,840	1,248	768
1,163—1,187	49	1,880	1,274	784
1,188—1,212	50	1,920	1,300	800
1,213—1,237	51	1,960	1,326	816
1,238—1,262	52	2,000	1,352	832
1,263—1,287	53	2,040	1,378	848
1,288—1,312	54	2,080	1,404	864
1,313—1,337	55	2,120	1,430	880
1,338—1,362	56	2,160	1,456	896
1,363—1,387	57	2,200	1,482	912
1,388—1,412	58	2,240	1,508	928
1,413—1,437	59	2,280	1,534	944
1,438—1,462	60	2,320	1,560	960
1,463—1,487	61	2,360	1,586	976
1,488—1,512	62	2,400	1,612	992
1,513—1,537	63	2,440	1,638	1,008
1,538—1,562	64	2,480	1,664	1,024

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
1,563—1,587	65	2,520	1,690	1,040
1,588—1,612	66	2,560	1,716	1,056
1,613—1,637	67	2,600	1,742	1,072
1,638—1,662	68	2,640	1,768	1,088
1,663—1,687	69	2,680	1,794	1,104
1,688—1,712	70	2,720	1,820	1,120
1,713—1,737	71	2,760	1,846	1,136
1,738—1,762	72	2,800	1,872	1,152
1,763—1,787	73	2,840	1,898	1,168
1,788—1,812	74	2,880	1,924	1,184
1,813—1,837	75	2,920	1,950	1,200
1,838—1,862	76	2,960	1,976	1,216
1,863—1,887	77	3,000	2,002	1,232
1,888—1,912	78	3,040	2,028	1,248
1,913—1,937	79	3,080	2,054	1,264
1,938—1,962	80	3,120	2,080	1,280
1,963—1,987	81	3,160	2,106	1,296
1,988—2,012	82	3,200	2,132	1,312
2,013—2,037	83	3,240	2,158	1,328
2,038—2,062	84	3,280	2,184	1,344
2,063—2,087	85	3,320	2,210	1,360
2,088—2,112	86	3,360	2,236	1,376
2,113—2,137	87	3,400	2,262	1,392
2,138—2,162	88	3,440	2,288	1,408
2,163—2,187	89	3,480	2,314	1,424
2,188—2,212	90	3,520	2,340	1,440
2,213—2,237	91	3,560	2,366	1,456
2,238—2,262	92	3,600	2,392	1,472
2,263—2,287	93	3,640	2,418	1,488
2,288—2,312	94	3,680	2,444	1,504
2,313—2,337	95	3,720	2,470	1,520
2,338—2,362	96	3,760	2,496	1,536
2,363—2,387	97	3,800	2,522	1,552
2,388—2,412	98	3,840	2,548	1,568
2,413—2,437	99	3,880	2,574	1,584
2,438—2,462	100	3,920	2,600	1,600
2,463—2,487	101	3,960	2,626	1,616
2,488—2,512	102	4,000	2,652	1,632
2,513—2,537	103	4,040	2,678	1,648
2,538—2,562	104	4,080	2,704	1,664
2,563—2,587	105	4,120	2,730	1,680
2,588—2,612	106	4,160	2,756	1,696
2,613—2,637	107	4,200	2,782	1,712
2,638—2,662	108	4,240	2,808	1,728
2,663—2,687	109	4,280	2,834	1,744
2,688—2,712	110	4,320	2,860	1,760
2,713—2,737	111	4,360	2,886	1,776
2,738—2,762	112	4,400	2,912	1,792
2,763—2,787	113	4,440	2,938	1,808
2,788—2,812	114	4,480	2,964	1,824
2,813—2,837	115	4,520	2,990	1,840
2,838—2,862	116	4,560	3,016	1,856
2,863—2,887	117	4,600	3,042	1,872
2,888—2,912	118	4,640	3,068	1,888
2,913—2,937	119	4,680	3,094	1,904
2,938—2,962	120	4,720	3,120	1,920
2,963—2,987	121	4,760	3,146	1,936
2,988—3,012	122	4,800	3,172	1,952
3,013—3,037	123	4,840	3,198	1,968
3,038—3,062	124	4,880	3,224	1,984
3,063—3,087	125	4,920	3,250	2,000
3,088—3,112	126	4,960	3,276	2,016
3,113—3,137	127	5,000	3,302	2,032

NOTICES

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
3,138—3,162	128	5,040	3,328	2,048
3,163—3,187	129	5,080	3,354	2,064
3,188—3,212	130	5,120	3,380	2,080
3,213—3,237	131	5,160	3,406	2,096
3,238—3,262	132	5,200	3,432	2,112
3,263—3,287	133	5,240	3,458	2,128
3,288—3,312	134	5,280	3,484	2,144
3,313—3,337	135	5,320	3,510	2,160
3,338—3,362	136	5,360	3,536	2,176
3,363—3,387	137	5,400	3,562	2,192
3,388—3,412	138	5,440	3,588	2,208
3,413—3,437	139	5,480	3,614	2,224
3,438—3,462	140	5,520	3,640	2,240
3,463—3,487	141	5,560	3,666	2,256
3,488—3,512	142	5,600	3,692	2,272
3,513—3,537	143	5,640	3,718	2,288
3,538—3,562	144	5,680	3,744	2,304
3,563—3,587	145	5,720	3,770	2,320
3,588—3,612	146	5,760	3,796	2,336
3,613—3,637	147	5,800	3,822	2,352
3,638—3,662	148	5,840	3,848	2,368
3,663—3,687	149	5,880	3,874	2,384
3,688—3,712	150	5,920	3,900	2,400
3,713—3,737	151	5,960	3,926	2,416
3,738—3,762	152	6,000	3,952	2,432
3,763—3,787	153	6,040	3,978	2,448
3,788—3,812	154	6,080	4,004	2,464
3,813—3,837	155	6,120	4,030	2,480
3,838—3,862	156	6,160	4,056	2,496
3,863—3,887	157	6,200	4,082	2,512
3,888—3,912	158	6,240	4,108	2,528
3,913—3,937	159	6,280	4,134	2,544
3,938—3,962	160	6,320	4,160	2,560
3,963—3,987	161	6,360	4,186	2,576
3,988—4,012	162	6,400	4,212	2,592
4,013—4,037	163	6,440	4,238	2,608
4,038—4,062	164	6,480	4,264	2,624
4,063—4,087	165	6,520	4,290	2,640
4,088—4,112	166	6,560	4,316	2,656
4,113—4,137	167	6,600	4,342	2,672
4,138—4,162	168	6,640	4,368	2,688
4,163—4,187	169	6,680	4,394	2,704
4,188—4,212	170	6,720	4,420	2,720
4,213—4,237	171	6,760	4,446	2,736
4,238—4,262	172	6,800	4,472	2,752
4,263—4,287	173	6,840	4,498	2,768
4,288—4,312	174	6,880	4,524	2,784
4,313—4,337	175	6,920	4,550	2,800
4,338—4,362	176	6,960	4,576	2,816
4,363—4,387	177	7,000	4,602	2,832
4,388—4,412	178	7,040	4,628	2,848
4,413—4,437	179	7,080	4,654	2,864
4,438—4,462	180	7,120	4,680	2,880
4,463—4,487	181	7,160	4,706	2,896
4,488—4,512	182	7,200	4,732	2,912
4,513—4,537	183	7,240	4,758	2,928
4,538—4,562	184	7,280	4,784	2,944
4,563—4,587	185	7,320	4,810	2,960
4,588—4,612	186	7,360	4,836	2,976
4,613—4,637	187	7,400	4,862	2,992
4,638—4,662	188	7,440	4,888	3,008
4,663—4,687	189	7,480	4,914	3,024

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
4,688—4,712	190	7,520	4,940	3,040
4,713—4,737	191	7,560	4,966	3,056
4,738—4,762	192	7,600	4,992	3,072
4,763—4,787	193	7,640	5,018	3,088
4,788—4,812	194	7,680	5,044	3,104
4,813—4,837	195	7,720	5,070	3,120
4,838—4,862	196	7,760	5,096	3,136
4,863—4,887	197	7,800	5,122	3,152
4,888—4,912	198	7,840	5,148	3,168
4,913—4,937	199	7,880	5,174	3,184
4,938—4,962	200	7,920	5,200	3,200
4,963—4,987	201	7,960	5,226	3,216
4,988—5,012	202	8,000	5,252	3,232
5,013—5,037	203	8,040	5,278	3,248
5,038—5,062	204	8,080	5,304	3,264
5,063—5,087	205	8,120	5,330	3,280
5,088—5,112	206	8,160	5,356	3,296
5,113—5,137	207	8,200	5,382	3,312
5,138—5,162	208	8,240	5,408	3,328
5,163—5,187	209	8,280	5,434	3,344
5,188—5,212	210	8,320	5,460	3,360
5,213—5,237	211	8,360	5,486	3,376
5,238—5,262	212	8,400	5,512	3,392
5,263—5,287	213	8,440	5,538	3,408
5,288—5,312	214	8,480	5,564	3,424
5,313—5,337	215	8,520	5,590	3,440
5,338—5,362	216	8,560	5,616	3,456
5,363—5,387	217	8,600	5,642	3,472
5,388—5,412	218	8,640	5,668	3,488
5,413—5,437	219	8,680	5,694	3,504
5,438—5,462	220	8,720	5,720	3,520
5,463—5,487	221	8,760	5,746	3,536
5,488—5,512	222	8,800	5,772	3,552
5,513—5,537	223	8,840	5,798	3,568
5,538—5,562	224	8,880	5,824	3,584
5,563—5,587	225	8,920	5,850	3,600
5,588—5,612	226	8,960	5,876	3,616
5,613—5,637	227	9,000	5,902	3,632
5,638—5,662	228	9,040	5,928	3,648
5,663—5,687	229	9,080	5,954	3,664
5,688—5,712	230	9,120	5,980	3,680
5,713—5,737	231	9,160	6,006	3,696
5,738—5,762	232	9,200	6,032	3,712
5,763—5,787	233	9,240	6,058	3,728
5,788—5,812	234	9,280	6,084	3,744
5,813—5,837	235	9,320	6,110	3,760
5,838—5,862	236	9,360	6,136	3,776
5,863—5,887	237	9,400	6,162	3,792
5,888—5,912	238	9,440	6,188	3,808
5,913—5,937	239	9,480	6,214	3,824
5,938—5,962	240	9,520	6,240	3,840
5,963—5,987	241	9,560	6,266	3,856
5,988—6,012	242	9,600	6,292	3,872
6,013—6,037	243	9,640	6,318	3,888
6,038—6,062	244	9,680	6,344	3,904
6,063—6,087	245	9,720	6,370	3,920
6,088—6,112	246	9,760	6,396	3,936
6,113—6,137	247	9,800	6,422	3,952
6,138—6,162	248	9,840	6,448	3,968
6,163—6,187	249	9,880	6,474	3,984
6,188—6,212	250	9,920	6,500	4,000
6,213—6,237	251	9,960	6,526	4,016
6,238—6,262	252	10,000	6,552	4,032

NOTICES

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
6,263—6,287	253	10,040	6,578	4,048
6,288—6,312	254	10,080	6,604	4,064
6,313—6,337	255	10,120	6,630	4,080
6,338—6,362	256	10,160	6,656	4,096
6,363—6,387	257	10,200	6,682	4,112
6,388—6,412	258	10,240	6,708	4,128
6,413—6,437	259	10,280	6,734	4,144
6,438—6,462	260	10,320	6,760	4,160
6,463—6,487	261	10,360	6,786	4,176
6,488—6,512	262	10,400	6,812	4,192
6,513—6,537	263	10,440	6,838	4,208
6,538—6,562	264	10,480	6,864	4,224
6,563—6,587	265	10,520	6,890	4,240
6,588—6,612	266	10,560	6,916	4,256
6,613—6,637	267	10,600	6,942	4,272
6,638—6,662	268	10,640	6,968	4,288
6,663—6,687	269	10,680	6,994	4,304
6,688—6,712	270	10,720	7,020	4,320
6,713—6,737	271	10,760	7,046	4,336
6,738—6,762	272	10,800	7,072	4,352
6,763—6,787	273	10,840	7,098	4,368
6,788—6,812	274	10,880	7,124	4,384
6,813—6,837	275	10,920	7,150	4,400
6,838—6,862	276	10,960	7,176	4,416
6,863—6,887	277	11,000	7,202	4,432
6,888—6,912	278	11,040	7,228	4,448
6,913—6,937	279	11,080	7,254	4,464
6,938—6,962	280	11,120	7,280	4,480
6,963—6,987	281	11,160	7,306	4,496
6,988—7,012	282	11,200	7,332	4,512
7,013—7,037	283	11,240	7,358	4,528
7,038—7,062	284	11,280	7,384	4,544
7,063—7,087	285	11,320	7,410	4,560
7,088—7,112	286	11,360	7,436	4,576
7,113—7,137	287	11,400	7,462	4,592
7,138—7,162	288	11,440	7,488	4,608
7,163—7,187	289	11,480	7,514	4,624
7,188—7,212	290	11,520	7,540	4,640
7,213—7,237	291	11,560	7,566	4,656
7,238—7,262	292	11,600	7,592	4,672
7,263—7,287	293	11,640	7,618	4,688
7,288—7,312	294	11,680	7,644	4,704
7,313—7,337	295	11,720	7,670	4,720
7,338—7,362	296	11,760	7,696	4,736
7,363—7,387	297	11,800	7,722	4,752
7,388—7,412	298	11,840	7,748	4,768
7,413—7,437	299	11,880	7,774	4,784
7,438—7,462	300	11,920	7,800	4,800
7,463—7,487	301	11,960	7,826	4,816
7,488—7,512	302	12,000	7,852	4,832
7,513—7,537	303	12,040	7,878	4,848
7,538—7,562	304	12,080	7,904	4,864
7,563—7,587	305	12,120	7,930	4,880
7,588—7,612	306	12,160	7,956	4,896
7,613—7,637	307	12,200	7,982	4,912
7,638—7,662	308	12,240	8,008	4,928
7,663—7,687	309	12,280	8,034	4,944
7,688—7,712	310	12,320	8,060	4,960
7,713—7,737	311	12,360	8,086	4,976
7,738—7,762	312	12,400	8,112	4,992
7,763—7,787	313	12,440	8,138	5,008
7,788—7,812	314	12,480	8,164	5,024

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compensation</i>	<i>Part C Qualifying Wages</i>	<i>Part D Amount of Compensation</i>	<i>Part E</i>
7,813—7,837	315	12,520	8,190	5,040
7,838—7,862	316	12,560	8,216	5,056
7,863—7,887	317	12,600	8,242	5,072
7,888—7,912	318	12,640	8,268	5,088
7,913—7,937	319	12,680	8,294	5,104
7,938—7,962	320	12,720	8,320	5,120
7,963—7,987	321	12,760	8,346	5,136
7,988—8,012	322	12,800	8,372	5,152
8,013—8,037	323	12,840	8,398	5,168
8,038—8,062	324	12,880	8,424	5,184
8,063—8,087	325	12,920	8,450	5,200
8,088—8,112	326	12,960	8,476	5,216
8,113—8,137	327	13,000	8,502	5,232
8,138—8,162	328	13,040	8,528	5,248
8,163—8,187	329	13,080	8,554	5,264
8,188—8,212	330	13,120	8,580	5,280
8,213—8,237	331	13,160	8,606	5,296
8,238—8,262	332	13,200	8,632	5,312
8,263—8,287	333	13,240	8,658	5,328
8,288—8,312	334	13,280	8,684	5,344
8,313—8,337	335	13,320	8,710	5,360
8,338—8,362	336	13,360	8,736	5,376
8,363—8,387	337	13,400	8,762	5,392
8,388—8,412	338	13,440	8,788	5,408
8,413—8,437	339	13,480	8,814	5,424
8,438—[or more]—8462	340	[*]13,520	8,840	5,440
8,463—8,487	341	13,560	8,866	5,456
8,488—8,512	342	13,600	8,892	5,472
8,513—8,537	343	13,640	8,918	5,488
8,538—8,562	344	13,680	8,944	5,504
8,563—8,587	345	13,720	8,970	5,520
8,588—8,612	346	13,760	8,996	5,536
8,613—8,637	347	13,800	9,022	5,552
8,638—8,662	348	13,840	9,048	5,568
8,663—8,687	349	13,880	9,074	5,584
8,688—8,712	350	13,920	9,100	5,600
8,713—8,737	351	13,960	9,126	5,616
8,738 (or more)	352	*14,000	9,152	5,632

*The claimant will be ineligible for benefits unless 20% of the [\$13,520] \$14,000 qualifying wages was paid in a quarter or quarters other than the high quarter.

[Pa.B. Doc. No. 96-19. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Notice of Rule Change—180 Day Extension; Revisions to Chapter 227, Correction of Underpayments to Former Recipients

On October 22, 1994, the Department published a Notice of Rule Change (NORC) (14-NRC-50) at 24 Pa.B. 5376 relating to Revisions to Chapter 227, Correction of Underpayments to Former Recipients under Joint Committee on Documents (JCD) Resolution 1994-1. The Rule Change will be adopted by final rulemaking to 55 Pa. Code § 227.24(d)(1)(ii)(A).

The Notice announced that effective October 22, 1994, Aid to Families with Dependent Children (AFDC) and General Assistance (GA) policy regarding correction of underpayments is revised to provide that corrective pay-

ments are made to former recipients as well as current recipients. The regulation is currently under development in the Department.

This Notice, under section 2(d)(iii) of the JCD Resolution, announces that the original NORC (14-NRC-50) shall remain in effect for an additional 180 days or until final regulations are adopted, whichever is sooner. This Rule Change was initially extended by publication of a 180 day extension at 25 Pa.B. 1726 on April 29, 1995.

Under section 4 of the JCD Resolution, copies of this Notice have been forwarded to the Senate Public Health and Welfare Committee and the House Health and Human Services Committee.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 96-20. Filed for public inspection January 5, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

Bucks and Chester Counties **Reference No. 08430AG1962**

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design and construction consultation for the following projects:

S. R. 0095, Section 332, Interstate 95 in Lower Makefield Township, Bucks County—This project involves preliminary and final design (with construction services) for construction of loop off-ramp from Route 332 E. B. to I-95 N. B. and relocation of existing I-95 N. B. off-ramp. The construction/survey limits are approximately 1 mile on I-95 and 1 mile on Route 332 in the vicinity of the interchange. No mainline construction on I-95 is proposed except for ramp transitions. Existing signalized intersection will be reestablished with new ramps.

The estimated project construction cost is \$1.7 million.

S. R. 0030, Section S26, Route 30 in East Caln Township, Chester County—This project involves final design for constructing a loop off-ramp from E. B. Route 30 off-ramp to N. B. Route 113 and reconstructing the existing E. B. Route 30 off-ramp. The approximate construction/survey length along Route 30 is 0.5 mile and 0.25 mile along Route 113. There are no existing signals, nor proposed at the interchange.

The estimated project construction cost is \$2.5 million.

The selected firm will also be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross-sections; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design (wall); preparation of traffic control, pavement marking and signing plans; traffic signal design; sign lighting plans; utility coordination and design; coordination with DEP, municipal officials and the public; preparation of final plans, specifications and estimates; shop drawing reviews; alternate design review and sign structure design.

The selected firm will also be required to provide environmental services to identify and assess the following: historic archaeological resources; regional and community growth; land use and development patterns; wetlands; floodplains; surface water and groundwater; vegetation; geological resources; noise and air quality; parks and recreational facilities; emergency service, health and educational facilities; utility locations; residential and commercial property values; aquatic resources; National natural landmarks; aesthetics and visual qualities; and construction impacts.

The environmental studies will be conducted to prepare a Categorical Exclusion in accordance with accepted analysis techniques and methodologies.

The selected firm will be required to perform the following to insure that a complete environmental investigation has been performed; provide all necessary environmental services material and equipment necessary to collect, analyze and organize data, assess impacts, conduct agency and public involvement activities, and pre-

pare reports and mitigation plans. The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; project need; preliminary alternatives analysis; meeting minutes, newsletters; mailing lists; public meetings and hearings; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluation; mitigation plans and reports; hazardous waste mitigation plans; DEP permits, Corps of Engineers 404 permits; formulating and participating in public involvement program; and coordinating the development of the study with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Questions concerning this requirement should be directed to Vito A. Genua, at the telephone number listed within this notice.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and 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 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.

We encourage small firms to submit a letter of interest for this assignment.

Technical questions concerning the requirements for this project should be directed to Vito A. Genua, P.E., District 6-0, at (610) 964-6526, or Elaine Elbich, District 6-0, at (610) 964-6529.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Fayette, Greene, Washington and Westmoreland Counties **Reference No. 08430AG1963**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately 16 inspectors, under the Department's inspector-in-charge, for construction inspection and documentation services on Group Project 12-96-SI-I, Fayette County; Group Project 12-96-SI-2, Greene County; Group Project 12-96-SI-4, Washington County; Group Project 12-96-SI-5, Section 000, Westmoreland County; Group Project 12-96-SI-5-2, Section 000, Westmoreland County; and S. R. 2023, Section B01, Bridge Replacement, Westmoreland County.

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. Number of NICET certified inspectors in each payroll classification.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- c. Understanding of Department's requirements, policies and specifications.
- d. Past performance.
- e. 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 employes 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:

Classification	<i>No. of</i> Inspectors
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	15 (9)
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 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 of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

Payroll Classification	(TCI)	<i>Direct</i> Payroll Rate
Transportation Construction	(TCI)	\$15.18
Technical Assistant	(TA)	\$10.43

Maximum reimbursable direct payroll rates 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 qualified to perform nuclear density tests and nuclear gauges; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

The goal of 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.

Technical questions concerning the requirements for this project should be directed to Anthony M. Dzurko, P.E., District 12-0, at (412) 439-7137.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442,

Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."

2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the

DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm.

b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

c. Current workload and capacity of firm to perform the work within the time limitations.

d. Location of consultant.

e. Special requirements of the project.

f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-21. Filed for public inspection January 5, 1996, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P.L. 744, No. 222) hereby announces the publication of the Stipulations

of Fact, Findings of Fact, Conclusions of Law, Final Decision and Order, made after a public hearing under section 9(e)—(g) of the act, in the following case:

David H. Smith v. Le FeBure, A De La Rue Company; Doc. No. E57721AD; (Pennsylvania Human Relations Commission, December 12, 1995); Alleged incidents of retaliation; Ruling for Respondent, 10-0 decision; 30 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 96-22. Filed for public inspection January 5, 1996, 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 regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#15-346	Department of Revenue	12/20/95
	JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 96-23. Filed for public inspection January 5, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Liberty Mutual Fire Insurance Company; Private Passenger Automobile Program

On December 11, 1995, the Insurance Department received from Liberty Mutual Fire Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 3.0% decrease amounting to -\$2,965,000 annually, to be effective March 29, 1996.

Unless formal administrative action is taken prior to February 9, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-24. Filed for public inspection January 5, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of their 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 Lawrence and Maria Catina; file no. 95-183-06788; Selective Insurance Company; doc. no. P95-12-022; January 24, 1996, at 9 a.m.;

Appeal of Robinson Weber; file no. 95-280-36415; Motorists Insurance Company; doc. no. PH95-12-024; January 24, 1996, at 10 a.m.;

Appeal of Anthony and Elaine McGoldrick; file no. 95-265-37158; Continental Casualty Company; doc. no. PH95-12-016; January 24, 1996, at 2 p.m.;

Appeal of Robert and Terrie L. English; file no. Q121902947; Erie Insurance Company; doc. no. P95-12-027; January 25, 1996, at 3 p.m.;

Appeal of Joanne M. Messina; file no. 95-304-72691; State Farm Insurance Company; doc. no. PI95-12-025; January 31, 1996, at 11 a.m.;

Appeal of Edward C. Karwowski; file no. 95-407-91242; State Farm Mutual Auto Insurance Company; doc. no. E95-12-023; January 31, 1996, at 2 p.m.;

Appeal of Joseph Juzwick; file no. 95-304-72752; State Farm Insurance Company; doc. no. PI95-12-019; January 31, 1996, at 3 p.m.;

Appeal of Harold L. and M. Patricia Bare; file no. 95-188-06972; ITT Hartford; doc. no. P95-12-037; February 1, 1996, at 3 p.m.;

Appeal of Mr. and Mrs. Raymond J. Cubarney; file no. 95-407-91265; Erie Insurance Company; doc. no. E95-12-026; February 6, 1996, at 9 a.m.;

Appeal of David W. Wise; file no. 95-265-36111; Erie Insurance Exchange; doc. no. PH95-10-042; February 6, 1996, at 10 a.m.;

Appeal of Xiao Ming Yang, file no. 95-303-73030; Aetna Life & Casualty Company; doc. no. PI95-12-028; February 6, 1996, at 2 p.m.;

Appeal of Gibson and Sandra Smith; file no. 95-188-06751; Aetna Insurance; doc. no. P95-12-034; February 6, 1996, at 3 p.m.;

Appeal of John H. Herman; file no. 95-185-06878; Nationwide Mutual Insurance Company; doc. no. P95-12-038; February 8, 1996, at 9 a.m.;

Appeal of Glenn Olcerst; file no. 95-304-73079; Nationwide Insurance Company; doc. no. PI95-12-029; February 8, 1996, at 10 a.m.;

Appeal of Elizabeth Ochs; file no. 95-304-73078; Nationwide Insurance Company; doc. no. PI95-12-030; February 8, 1996, at 11 a.m.;

Appeal of Elias and Dorothy Tyler; file no. 95-304-72661; Prudential Property & Casualty Insurance Company; doc. no. PI95-12-018; February 27, 1996, at 1 p.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 General Rules of Administrative Practice and Procedure).

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-25. Filed for public inspection January 5, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 95-185-07164; Misty L. Connolly; doc. no. P95-12-035; January 25, 1996, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representatives of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-26. Filed for public inspection January 5, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8), in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Ashok and Madhu Mathur; file no. 95-193-06744; Liberty Mutual Fire Insurance Company; doc. no. P95-12-036; January 24, 1996, at 1 p.m.;

Appeal of Theodore Papiernik; file no. 95-280-37090; Prudential Property & Casualty Insurance Company; doc. no. PH95-12-017; February 27, 1996, at 2 p.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 any 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 the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193, 35.225—35.251, unless specific exemption is given.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-27. Filed for public inspection January 5, 1996, 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 January 29, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the right to *begin to operate as a broker for the transportation of persons as described under each application.*

A-0011587, Folder 2. Craig Steven Tiano, t/d/b/a Antique and Classic Limousine Co. (1819 West Main Street, Norristown, Montgomery County, PA 19403)—brokerage license—for the transportation of persons between points in the counties of Chester, Delaware, Montgomery, Berks, Bucks and Philadelphia, and from points in said counties to points in Pennsylvania and return.

Notice of Motor Carrier Applications—Property, Excluding Household Goods In Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before January 22, 1996.

- A-00112703 Jeffrey S. Thomas, t/d/b/a Jeff Thomas Trucking
R. D. 2, Box 133, Kennedy Road,
Hookstown, PA 15050
- A-00112704 Contract Management Services, Inc.
P. O. Box 126, Hatboro, PA 19040
- A-00112707 James L. Huber
136 Spook Lane, Narvon, PA 17555
- A-00112708 Raymond J. Gescek, t/d/b/a R. J. Gescek Delivery
1633 Zimpfer Lane, Hellertown, PA 18055
- A-00112711 David J. Girts, t/d/b/a David Girts Trucking
8555 Findley Lake Road, North East, PA 16428
- A-00112712 Bowser & Tarr, Inc.
R. D. 1, Box 261 J, Worthington, PA 16262
- A-00112690 A-1 International Courier Service, Inc.
P. O. Box 3517, Union, NJ 07083
- A-00112700 Loren M. Mitchell, t/d/b/a Mitchells
R. D. 2, Mitchell Road, Saegertown, PA 16433
- A-00112701 Steve E. Kessler, t/d/b/a Kessler's Transport
R. D. 1, Box 1424, Spring Grove, PA 17362
- A-00112702 R & R Express, Inc.
P. O. Box 16098, Pittsburgh, PA 15242;
John A. Pillar, 1106 Frick Building,
Pittsburgh, PA 15219

- A-00112705 K. Charles Kovacs
1876 Highpoint Road, Coopersburg, PA 18036
- A-00112706 Cynthia G. Carr, t/d/b/a Starrcarr Trucking
Box 17, Barto, PA 19504
- A-00112694 Route 21 Homes, Inc.
R. D. 1, Box 210-A2, Carmichaels, PA 15320
- A-00112695 J. R. Van Dyke, Inc.
P. O. Box 952, 288 Stevens Road, Rising Sun, MD 21911
- A-00112709 Robert Ackerman, t/d/b/a Bob Ackerman Service
1876 Highpoint Road, Coopersburg, PA 18036
- A-00112710 Eaglebrook Transport of Ohio, Inc.
17877 St. Clair Avenue, Cleveland, OH 44110
- A-00112693 Polydyne Trucking, Inc.
P. O. Box 290, 200 Market Street,
Clermont, OH 45157;
Stephen S. Holmes
1200 Carew Tower, Cincinnati, OH 45202-2990

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-28. Filed for public inspection January 5, 1996, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

February 8, 1996 Robert T. Tauber 1 p.m.
(Service Purchase)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with (relating to the General Rules of Administrative Practice and Procedure), 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 96-29. Filed for public inspection January 5, 1996, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Request for Proposals

The State System of Higher Education (System) is seeking proposals from interested vendors for providing audit services necessary to secure opinions with regard to its System-wide, consolidated financial statements and the individual financial statements of the fourteen System universities and the Office of the Chancellor, as well as a separate System-wide single audit of Federal dollars under the guidelines of U. S. Office of Management and Budget Circular A-133. The request for proposal (RFP) will be available January 3, 1996. To obtain a copy of the RFP, send a request to Neil L. Renaldi, Director of Financial Management, by fax (717-720-7123) or by electronic mail at nrenaldi@mailgate.sshechan.edu.

The procurement of these audit services will be conducted in a two-phase process. Phase I will qualify vendors as having the capability to perform the services requested. Responses to Phase I of the process are due in the Office of the Chancellor no later than 4 p.m., Monday, January 22, 1996, in order for vendors to be considered.

JAMES H. McCORMICK,
Chancellor

[Pa.B. Doc. No. 96-30. Filed for public inspection January 5, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Acceptance of Technical and Price Proposals for Furnishing an Employee Assistance Program

The project is to provide an Employee Assistance Program (E.A.P.) for approximately 2,300 employes across the entire Turnpike Commission system.

Major services include evaluation, referral, quality assurance and follow-up services for employes and their families in areas of drug and alcohol abuse, mental health, interpersonal and other related problems. In addition, provide Substance Abuse Professional (S.A.P.) services as defined in U. S. Department of Transportation regulations and PTC/Teamsters bargaining agreement in support of Commercial Driver's License (C.D.L.) and non-C.D.L. drug and alcohol programs.

A mandatory prebid meeting for this project will be held at the Administration Building, Eisenhower Boulevard and Route 283, Highspire, PA, on January 18, 1996, at 11 a.m. Failure to be represented and registered with the Commission's representative at the prebid meeting will be cause for rejection of bids.

Sealed proposals will be received by the Director of Purchases for the Turnpike Commission at the Administration Building (mailing address: P. O. Box 67676, Harrisburg, PA 17106-7676) not later than 12 noon, February 8, 1996. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-31. Filed for public inspection January 5, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$5,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337

NOTICE OF INTENT

It is the policy of the Commonwealth of Pennsylvania to encourage the use of post-consumer recycled content in the procurement of goods and services in accordance with Act 1988-101, the Municipal Waste Planning, Recycling and Waste Reduction Act. Whereas all steel products manufactured in North America are purported to contain a minimum of 25% recycled steel, the Pennsylvania Department of General Services proposes to adopt a policy that requires all steel products, or products manufactured in part with steel. The Pennsylvania Department of General Services invites all interested parties to comment on this proposed policy by January 31, 1996. All comments should be directed in writing to: Department of General Services, Office of Procurement, Re: Recycled Steel Policy, 414 North Office Building, Harrisburg, PA 17125.

NOTICE TO VENDORS:

SUBJECT: 1996 Pennsylvania State Contract for Microcomputer, LAN Hardware, and Peripherals, Contract 5850-01 REBID (previously 7480-01) February 14, 1996 through December 31, 1996.

On or about January 12, 1996 the Commonwealth of Pennsylvania will release an Invitation to Bid (ITB) for a major microcomputer and LAN hardware contract. The ITB is for a yearly, multiple award, cost plus contract for microcomputers, LAN Hardware, and peripherals. The contract will also include two 1-year renewal options.

Pre-Certification for submission of a bid is required from each manufacturer whose lines you wish to bid. Please contact your manufacturer(s) for more information.

The opening date of the ITB will be approximately February 2, 1996. If you have not received a copy of this ITB in a timely fashion from the above referenced mailing date and wish to do so, you may request a copy by contacting vendor services at (717) 787-2199/787-4705 or by fax at (717) 783-6241. Your request must reference the above contract number, opening date, and include your name, mailing address, phone number, and fax number.

Commodities

2031115 Building and construction materials and windows—1 lot; 19 windows—38" x 73"; 3 windows—50" x 86"; 10 windows—38" x 55"; 2 windows—38" x 73" with arch top (arch top windows will be standard window with a separate fixed lite above to fit arched brick opening).

Department: Corrections
Location: Waynesburg, Greene County, PA 15370
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8169010 Construction materials—1,408 bag; Portland cement based fast-setting concrete mix, 50 lb./bag IFSCEM 110 as manufactured by American Stone Mix, Inc. or approved equal.

Department: Transportation
Location: Various locations throughout the Commonwealth
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2040155 Containers and packaging—5,725 ctn.; "Keep America Beautiful" liners, white, 20 to 30 gallon, 29 x 36, 1.5 mil., 100% linear low density prime resin bags.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17125
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2102115 Food—550 bags; dark, dry, red kidney beans, Type E, U. S. No. 1 100 lb. bags.

Department: Correctional Industries
Location: State Correctional Institution Rockview, Bellefonte, Centre County, PA 16823
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2117115 Foods and seeds—various amounts; snap bean seeds, bush, green; snap bean seeds, bush, yellow, wax; sweet pea seed (mid and late season).

Department: Corrections
Location: Bellefonte, Centre County, PA 16823
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2010215 Kitchen appliances—1 each cutter mixer, food, Hobart HCM-450 or approved equal.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2108215 Kitchen equipment—1 each; dishwasher, commercial, automatic door type, single tank, with timed wash-and-rinse cycle, designed for straight-through operation; all stainless steel construction; NSF approved and UL listed.

Department: Public Welfare
Location: Embreeville Center, Coatesville, Chester County, PA 19320
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2006225 Motor vehicles, trailers and cycles—6 each; 1996 model compact enclosed type 4X4 trucks.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17105
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

1817205 Optical instruments—1 lot; scopes, nightvision, ultra high resolution, STARTRON Pocketscope 3rd generation Model No. MK-880-3 w/accessories. No substitute.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2061115 Plumbing equipment—55 each stainless steel security fixtures, lavatory toilet combination, Metcraft Model 100-90-C-15-3 "or approved equal."

Department: Corrections
Location: State Correctional Institution Huntingdon, Huntingdon, Huntingdon County, PA 16654
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

1768165 Promotional items—75,000 each; magnet: food guide pyramid, custom size 3-7/8".

Department: Education
Location: Harrisburg, Dauphin County, PA 17126
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8222890 Tractors—1 each latest model 4 x 4 tractor.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

SERVICES

Construction—04

Contract No. FDC-001-79 Construction of a wood frame pavilion (13'4" x 21'4") with concrete post footings, concrete slab, and wood benches for Forest District No. 1, near Pine Grove Furnace State Park.

Department: Conservation and Natural Resources
Location: Cooke Township, Cumberland County
Duration: 45 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Contract No. FDC-410-122 Complete construction of a 32' x 96' wood framed pole building with concrete floor at Neshaminy State Park.

Department: Conservation and Natural Resources
Location: Bensalem Township, Bucks County
Duration: 120 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Project No. 196-131 Project title: Construct Pole Building. Project description: construct a 32' x 64' x 12' high timber column, wood framed metal clad building with passage doors and framed, finished openings for overhead doors. Alternate bid will be taken on an interior concrete floor and exterior apron slabs.

Department: Game Commission
Location: SGL 196, West Rockhill Township, Bucks County
Duration: 90 calendar days from issuance of contract
Contact: Engineering and Construction Management Division, (717) 787-9620

Project No. DGS A 251-203 Project title: New Supply Room, Offices and Snack Bar. Brief description: construct offices and supply room for Pennsylvania Department of Transportation Maintenance Building and renovate the existing snack bar. General, mechanical 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 Dept. of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, January 24, 1996 at 11:00 a.m.

Department: General Services
Location: PennDOT Maintenance Building, Uniontown, Fayette County, PA
Duration: 180 calendar days from date of award of contract
Contact: Bidding Unit, (717) 787-6556

Contract No. FDC-207-86 Rehabilitate main park road at Laurel Hill State Park. Work consists of maintenance and protection of traffic, roadway widening; bituminous concrete; slurry seal; high density polyethylene pipe (1.531 L.F.); 57 endwalls; 24 inlets; and rock channel.

Department: Conservation and Natural Resources
Location: Jefferson Township, Somerset County
Duration: All work is to be completed by May 17, 1996
Contact: Construction Management, (717) 787-5055

080875 Erie County, GR 1-96-200; Venango County, GR 1-96-500; Venango County, SR 0062-03M; Venango and Mercer Counties, GR 1-96-500 and GR 1-96-401; Mercer County, GR 1-96-400; Crawford County, GR 1-96-100; Crawford County, GR 1-96-101; Forest County, GR 1-96-300; Warren County, GR 1-96-600; Districtwide GR 1-96-GR1; Monroe County, GR 5-95-POC4D.

Department: Transportation
Location: Districts 1, 5
Duration: FY 1995/1996
Contact: V. C. Shah, P.E., (717) 787-5914

00680 009 95 AS-1 The work requires the furnishing of all labor and materials, tools, and equipment, and the performance of all operations and services necessary to construct a 40' x 60' timber column maintenance building, Curtin Village, Centre County, PA in strict accordance with specifications and drawings. The work of this project will be undertaken by the PCC crew leader and his corps members. The vendor shall provide materials, supervision and instruction, and equipment to ensure the building meets industry quality standards. Supervision: the vendor will be involved in the supervision and instruction of a crew leader and five (5) unskilled crew members to ensure that the building frame erected meets the vendors professional standard and all State and local building codes. A mandatory pre-bid meeting will be held at the site on January 25, 1996 at 11:00 a.m., for all firms interested in submitting bids for the project. Bids will not be accepted from firms who do not attend the mandatory pre-bid meeting. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25.00 check (non-refundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi McClain. Bids are due on Friday, February 16, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Curtin Village/Eagle Iron Works, Box 312, Bellefonte, PA 16823
Duration: March 1, 1996 to August 30, 1996
Contact: Judi McClain or PCC-John Fugelso, (717) 772-2401

Contract No. FDC-121-73R Provide and place approximately 10,400 S. Y. of bituminous seal coat at Reeds Gap State Park.

Department: Conservation and Natural Resources
Location: Armagh Township, Mifflin County
Duration: Complete all work by May 17, 1996
Contact: Construction Management, (717) 787-5055

Contract No. FDC-226-87 Bituminous paving—Phase 1 at Pymatuning State Park. Work consists of maintenance and protection of traffic; erosion and sedimentation control measures; bituminous concrete paving; plain cement concrete curb (600 L.F.); subbase preparation; and landscaping.

Department: Conservation and Natural Resources
Location: West and North Shenango Townships, Crawford County
Duration: 120 days after notice to proceed
Contact: Construction Management, (717) 787-5055

HVAC—05

9520 Bid for useful life study on three Keeler Type CP225 HP water tube coal fired boilers and one American Envirex deaerator heater and storage tank.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 2/1/96—6/30/96
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

00700 026 95 AS-3 HVAC upgrade at the Steam Barn at Landis Valley Museum—1) temperature and humidity controlled museum storage area with split system computer room unit, 2) a work area conditioned with a split heat pump system, and 3) a secondary storage area heated electrically and ventilated. A mandatory pre-bid meeting will be held at the site on January 16, 1996 at 11:00 a.m., for all firms interested in submitting bids for the project. Bids will not be accepted from firms who do not attend the pre-bid meeting. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25.00 check (non-refundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi McClain. Bids are due on Wednesday, January 31, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601
Duration: March 1, 1996 to August 30, 1996
Contact: Judi McClain or PCC-John Fugelso, (717) 772-2401

00700 026 95 AS-1 Electrical upgrade at the Steam Barn: 1) extension of power feeders to new mechanical equipment, 2) lighting fixtures and controls, 3) convenience outlets, and 4) enhancement of existing security system and fire alarm system. A mandatory pre-bid meeting will be held at the site on January 16, 1996 at 10:00 a.m., for all firms interested in submitting bids for the project. Bids will not be accepted from firms who do not attend the pre-bid meeting. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25.00 check (non-refundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi McClain. Bids are due on Wednesday, January 31, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601
Duration: March 1, 1996 to August 30, 1996
Contact: Judi McClain or PCC-John Fugelso, (717) 772-2401

Consulting Services—07

1996-01 The Department of Environmental Protection is soliciting proposals from Pennsylvania non-profit organizations, individually or in combination for "Mini-Grants" (\$500—\$10,000) to develop community or organization based projects, in conjunction with National Radon Action Week, October 1996. The purpose is to increase public and professional awareness about the health risks associated with radon exposure, the need for increased testing, and mitigation of such risks, if necessary. Attention to environmental justice issues and areas with the highest reported radon levels and/or areas of the Commonwealth where little or no radon testing has been done is encouraged. Proposals are due by 4:00 p.m., March 8, 1996. For copies of the detailed Request for Proposal and an application form contact Michelle M. Kaufman, Bureau of Radiation Protection, P. O. Box 8469, Rachel Carson State Office Building, 13th Floor, 400 Market Street, Harrisburg, PA 17105-8469. Telephone: (717) 783-3594.

Department: Environmental Protection
Location: Radiation Protection, 400 Market Street, RCSOB, 13th Floor, P. O. Box 8469, Harrisburg, PA 17105-8469
Duration: Terminates December 31, 1996
Contact: Michelle M. Kaufman, (717) 783-3594

203366 Video taping staff mandatory training sessions: contractor to provide complete professional level video and audio taping of the staff mandatory training sessions at the Harrisburg State Hospital. There are eight (8) training sessions per year and they are approximately three (3) hours in duration. These sessions will be scheduled by the hospital in advance. Contractor is to provide all necessary materials and to have all necessary audio and video equipment required to tape the sessions.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: March 1, 1996 through December 31, 1998, a period of 34 months
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

960101 The Department of Commerce/Office of PennPORTS is issuing a Request for Proposals (RFP) for the development of a strategic plan for the Erie-Western Pennsylvania Port Authority. The plan is to provide for both short and long term strategic direction; it is to establish a basis for structuring programs and allocating resources. Further information and an RFP can be obtained from the Department/Agency contact person.

Department: Commerce
Location: PennPORTS, Suite 902, Fulton Bank Building, 200 North Third Street, Harrisburg, PA 17101
Duration: 6 months
Contact: Sheri L. Kuehnle, Port Development Anal., (717) 772-3580

Demolition and Renovation—09

K-96044 Edinboro University of the State System of Higher Education is seeking bids for minor demolition/renovation of fire damage to Lawrence Towers dormitory, 5th floor, including removal and replacement of interior finishes, wiring devices, light fixtures and baseboard heaters. Contracts for general construction and electrical will be awarded. Pre-bid meeting is January 22, 1996, 10:00 a.m. at Lawrence Towers Multipurpose Room. Bids due February 1, 1996. Plans and bid documents available for a \$50 non-refundable deposit at Edinboro University Purchasing Office, 237 Mc Nerney Hall, Edinboro, PA 16444. MBE/WBE firms are urged to respond.

Department: State System of Higher Education
Location: Edinboro University of PA, Main Campus, Edinboro, PA
Duration: 120 days
Contact: Angela E. Holler, Director of Purchasing, (814) 732-2704

Medical Services—10

12-95 Oral surgery services—vendor supply services of a board certified or board eligible oral surgeon for all individuals residing at White Haven Center presented to their office. Office of vendor will be wheelchair accessible. Vendor to see all individuals who are referred to him for examination, oral diagnosis and treatment of oral, medical and surgical problems. Details can be obtained from the Purchasing Department.

Department: Public Welfare
Location: White Haven Center Institution, White Haven, Luzerne County, PA 18661
Duration: July 1, 1996 to June 30, 2001
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

320-218233 Certified nursing assistant supplemental services. Additional information may be obtained by contacting agency.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: April 1, 1996 through June 30, 1996 and July 1, 1996 through June 30, 1997
Contact: Jeanette Gualtieri, (814) 878-4930

320-218234 Licensed practical nurses with Meds supplemental services. Additional information may be obtained by contacting agency.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: April 1, 1996 through June 30, 1996 and July 1, 1996 through June 30, 1997
Contact: Jeanette Gualtieri, (814) 878-4930

Engineering Services—11

08430AG1963 To provide for supplementary construction inspection staff of approximately fifteen (15) Transportation Construction Inspectors and one (1) Technical Assistant, under the Department's Inspector-in-Charge, for construction inspection and documentation services on various projects in Fayette, Greene, Washington and Westmoreland Counties in Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Twelve (12) months
Contact: Consultant Agreement Division, (717) 783-9309

Food Services—13

Inquiry No. 7239 Miscellaneous foods—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7237 Bread and rolls—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7233 Portion pack fruit juice, frozen—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on a total lump sum basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7234 Cheese—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7235 Dairy products and drinks—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7243 Poultry—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7242 Miscellaneous meats—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7241 Seafood—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7240 Frozen foods—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

Inquiry No. 7238 Fresh prepared salads—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: April, May and June, 1996
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

F-296 Vendor will provide food stuffs including but not limited to meat, poultry, seafood, bakery, dairy, frozen vegetable and fruit products to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, Pennsylvania. Bids and awards to be done on a weekly, biweekly or monthly basis at the discretion of the agency. Bid package to be requested in writing to the Purchasing Agent of the institution.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: January 1, 1996 to December 31, 1996
Contact: Ann M. Gavala, Purchasing Agent, (717) 773-2158

F-196 Contractor will provide fresh fruit and vegetables to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, Pennsylvania. Bids and awards to be done on a weekly, biweekly or monthly basis at the discretion of the agency. Requests for bid package to be made in writing to the Purchasing Agent of the institution.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: January 1, 1996 to December 31, 1996
Contact: Ann M. Gavala, Purchasing Agent, (717) 773-2158

Inquiry No. 57 Provide 4 oz. frozen juices in assorted flavors having a total of 5,924 dozen. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: March through June, 1996
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

5229 Portion control meats—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5228 Breakfast and baked items—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5231 Fresh meats—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5230 Poultry—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5233 Frozen foods—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5232 Cottage cheese and yogurt—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5235 Shell eggs—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5237 Seafood—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2624

5236 Fresh liquid whole eggs—for a (3) month period beginning April 1, 1996—June 30, 1996. More detailed information can be obtained from the hospital.

Department: Public Welfare
Location: Haverford State Hospital, 3500 Darby Road, Building No. 21, Haverford, Delaware County, PA 19041
Duration: April 1, 1996—June 30, 1996
Contact: Jackie Newson, Purchasing Agent, (610) 526-2626

No. 7914 Meat; commodities and quantities available from Purchasing Office, Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, PA 15931. To be delivered in refrigerated vehicle between 7:00 a.m. and 3:00 p.m.

Department: Public Welfare
Location: Ebensburg Center, Dietary Building, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: For period: March 1996
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

041 Miscellaneous frozen foods—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an "item for item" basis.

Department: Public Welfare
Location: Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300
Duration: April, May, June, 1996
Contact: Carl S. Kline, Purchasing Agent, (610) 670-4127

040 Poultry—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an "item for item" basis.

Department: Public Welfare
Location: Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300
Duration: April, May, June, 1996
Contact: Carl S. Kline, Purchasing Agent, (610) 670-4127

042 Miscellaneous meats—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an "item for item" basis.

Department: Public Welfare
Location: Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300
Duration: April, May, June, 1996
Contact: Carl S. Kline, Purchasing Agent, (610) 670-4127

043 Frozen foods—for a 3 month period beginning April 1, 1996 through June 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on a "lump sum" basis.

Department: Public Welfare
Location: Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300
Duration: April, May, June, 1996
Contact: Carl S. Kline, Purchasing Agent, (610) 670-4127

M-13-96 Milkshakes. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-11-96 Fresh bread and rolls. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-10-96 Fresh pies and pastries, cakes. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-9-96 Preportioned juice. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-8-96 Fresh prepared salads. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-6-96 Poultry and poultry products. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-5-96 Miscellaneous frozen food. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-4-96 Meat and meat products. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-3-96 Fresh fruit and vegetables. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

M-2-96 Frozen fruit and vegetables. Call Purchasing for details.

Department: Public Welfare
Location: Institution Warehouse, White Haven Center, White Haven, Luzerne County, PA 18661-9602
Duration: April, May, June, 1996
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

8737 Meat.

Department: Public Welfare
Location: Laurelton Center, Central Storeroom, Route 45, Laurelton, Union County, PA 17835
Duration: April 1—June 30, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

8738 Miscellaneous frozen foods. Agency will provide quantities and amounts.

Department: Public Welfare
Location: Laurelton Center, Central Storeroom, Route 45, Laurelton, Union County, PA 17835
Duration: April 1—June 30, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Fuel-Related Services—14

Project No. 614 Removal and disposal of (1) 2,000 gallon, (1) 5,000 gallon, (1) 550 gallon and (1) 1,000 gallon underground fuel storage tanks at the National Guard Armory/Organizational Maintenance Shop in New Castle, PA.

Department: Military Affairs
Location: PAARNG Armory and OMS, 820 Frank Avenue, New Castle, Lawrence County, PA
Duration: 30 September, 1996
Contact: Emma Schroff, (717) 861-8518

Project No. 615 Removal and disposal of (1) 2,000 gallon underground fuel storage tank at the National Guard Armory/Organizational Maintenance Shop at 565 Walters Avenue, Johnstown, PA.

Department: Military Affairs
Location: PAARNG Armory and OMS, 565 Walters Avenue, Johnstown, Cambria County, PA
Duration: 30 September, 1996
Contact: Emma Schroff, (717) 861-8518

Project No. 616 Removal and disposal of (1) 2,500 gallon and (1) 1,000 gallon underground fuel storage tanks at the National Guard Armory/Organizational Maintenance Shop in Butler.

Department: Military Affairs
Location: PAARNG Armory and OMS, 250 Kriess Road, Butler, Butler County, PA
Duration: 30 September, 1996
Contact: Emma Schroff, (717) 861-8518

Landscaping Services—16

03051221005 Contract is for the trimming of 50+ historic oak trees at Bushy Run Battlefield and thinning and trimming trees around site's visitor center. Wood 3" in diameter will be cut for firewood. Wood under 3" in diameter will be chipped and left on site. Contractor is required to be bonded, insured for liability and damage, and recognized as a qualified arborist by the National Arborists Association. Mailing address: P. O. Box 468, Harrison City, PA 15636-0468.

Department: Historical and Museum Commission
Location: Bushy Run Battlefield, Route 993, Jeannette, PA 15644
Duration: To September 30, 1996
Contact: John F. Giblin, (412) 527-5584

SP 257131 Removal of hazardous trees located throughout Neshaminy State Park. Work to include tree pruning or removal, stump grinding and disposal of trees and slash from the marina, comfort stations, office, residence and parking lot. Sealed bids will be received in the above park office until 3:00 p.m., prevailing time, on January 26, 1996 and then publicly opened and read. Documents containing pertinent information must be obtained from the office of the park manager.

Department: Conservation and Natural Resources
Location: Neshaminy State Park, 3401 State Road, Bensalem, PA 19020
Duration: March 1, 1996 to April 30, 1996
Contact: Richard W. Eberle, (215) 639-4538

SPC No. 140872 Underplant 79 acres with 15,000 2-0 red pine seedlings in a random pattern.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Sproul D-10, HCR 62, Box 90, Renovo, PA 17764
Duration: March 1, 1996 to June 30, 1996
Contact: Richard Kugel, (717) 923-4500

030-264 Roadside mowing on primary roadways and traffic routes in Columbia County. Contractor to provide all equipment, labor, material and traffic control to complete contract according to bid specifications. Job to be bid on a road mile basis. Payment will be made lump sum on a per cycle basis.

Department: Transportation
Location: Columbia County
Duration: 2 years
Contact: Michael D. Maurer, (717) 368-5624

030-0265 Roadside mowing on primary roadways and traffic routes in Montour County. Contractor to provide all equipment, labor, material and traffic control to complete contract according to bid specifications. Job to be bid on a road mile basis. Payment will be made lump sum on a per cycle basis.

Department: Transportation
Location: Montour County
Duration: 2 years
Contact: Michael D. Maurer, (717) 368-5624

030-0266 Roadside mowing on primary roadways in Northumberland County. Contractor to provide all equipment, labor, material and traffic control to complete contract according to bid specifications. Job to be bid on a road mile basis. Payment will be made lump sum on a per cycle basis.

Department: Transportation
Location: Northumberland County
Duration: 2 years
Contact: Michael D. Maurer, (717) 368-5624

030-0267 Roadside mowing on primary roadways in Union County. Contractor to provide all equipment, labor, material and traffic control to complete contract according to bid specifications. Job to be bid on a road mile basis. Payment will be made lump sum on a per cycle basis.

Department: Transportation
Location: Union County
Duration: 2 years
Contact: Michael D. Maurer, (717) 368-5624

Lodging/Meeting—18

SPC 247983 Provide meeting room, approximately 1,100 sq. ft. total, meals and overnight lodging for approximately 30 to 60 persons for February 20, 1996 through February 22, 1996. Facility must be located within 35 miles of Wellsboro, PA.

Department: Game Commission
Location: Within 15 miles of Wellsboro, PA
Duration: February 20, 1996 through February 22, 1996
Contact: Brenda K. Brownell, (717) 787-5529

Mail Services—19

9999-3100-005 Contractor shall provide a comprehensive nationwide and foreign parcel delivery and pick up service. Terms and conditions of service shall be contained within quote format.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137
Duration: February 1, 1996 to January 31, 1997
Contact: John J. Pitonyak, (412) 662-1837

Maintenance and Repair Services—20

Project No. DGS A 952-73 Phase II Project title: Building Refurbishment. Brief description: renovate entrances and restrooms for ADA; new interior: gypsum board partitions, acoustic ceilings, air terminals, lighting, fire alarm and panels. Exterior paving and parking lot gate. General construction, HVAC and electrical construction. Plans deposit: \$103.00 per set. Payable to: The EADS Group. 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 EADS Group, 1126 Eighth Avenue, Altoona, Pennsylvania. Telephone: (814) 944-5035. Bid date: Wednesday, January 31, 1996 at 11:00 a.m.

Department: General Services
Location: Altoona State Office Building, Altoona, Blair County, PA
Duration: 190 calendar days from date of award of contract
Contact: Bidding Unit, (717) 787-6556

Project No. DGS A 953-47 Project title: Removal/Replacement of Suspended Ceilings. Brief description: remove existing asbestos ceiling and install new ceiling system and light fixtures. 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 Dept. of Gen. Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, February 7, 1996 at 2:00 p.m.

Department: General Services
Location: Northwest Office Building, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of award of contract
Contact: Bidding Unit, (717) 787-6556

Engine Parts—Job No. 95-074 Engine parts for CAT 3208 engine. Please contact the Equipment Division at the number listed below to get a copy of parts being bid.

Department: Transportation
Location: Equipment Division, 17th and Arsenal Boulevard, Harrisburg, PA 17120
Duration: Indeterminate 1995-96
Contact: Owen Holtzman, (717) 787-6565

5016 Contractor shall provide maintenance/service on approximately 79 Canon and IBM typewriters which shall include any service call during the period of the maintenance agreement; no charge for travel time or parts and the equipment will receive one annual cleaning.

Department: Public Welfare
Location: Torrance State Hospital, Torrance, Westmoreland County, PA 15779-0111
Duration: July 1, 1996—June 30, 1999
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

9515 Repair roof on Buildings 8 and 15.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411
Duration: 3/1/96—12/31/96
Contact: Stanley Rygelski, (717) 587-7291

Project No. LGF-122 Project title: Replace Windows CD-23 and CD-26. Project description: remove and dispose of existing windows, prepare openings to receive new work, install replacement type windows. Replace 22 windows in Building No. CD-23 at the Loyalsock Game Farm and 21 windows in Building No. CD-26 at the Northcentral Game Farm.

Department: Game Commission
Location: Loyalsockville, Lycoming County; Barbour's, Lycoming County
Duration: 90 calendar days from issuance of contract
Contact: Engineering and Contract Management Division, (717) 787-9620

0400-BC Provide equipment and personnel for cleaning of bridges on Interstate and non-Interstate highways throughout the six (6) county area of District 4. Crane and mechanical street sweeper to be used where required. The contract will be renewable at the unit prices quoted for a one (1) year period for a total of three (3) such renewals. Bid opening is January 30, 1996.

Department: Transportation
Location: Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties
Duration: April 15, 1996 to April 14, 1997
Contact: Gerald Pronko, (717) 963-4039

Contract No. FDC-303-111 Rehabilitation of existing water system at Caledonia State Park. Work consists of removal of the existing contents of the water treatment system and installation of new chemical feed devices, raw water delivery line, baffles for chlorine contact tank, miscellaneous valving and piping, and tie-in of new and existing electrical services.

Department: Conservation and Natural Resources
Location: Franklin Township, Adams County and Greene Township, Franklin County
Duration: 90 days after notice to proceed
Contact: Construction Management, (717) 787-5055

H-5483 Maintenance and repair of Insinger commercial dishwasher. To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA 19526
Duration: 7/1/96 to 6/30/99
Contact: Irvin G. Reinert, Purchasing Agent, (610) 562-6031

IN-693 Alterations for housing and residence life Whitmyre Hall. Work included under this project consists of alterations for housing and residence life, Whitmyre Hall consisting of removing existing doors, door frames, partitions, concrete sidewalks, panelboards, light switches, receptacles, conduit, wiring, disconnect switches, elevator controller, elevator car enclosures, elevator doors, etc. to furnish and install new concrete block, plaster, steel studs, doors, door frames, finish hardware, resilient flooring and base, concrete panelboards, wiring conduit, switches, receptacles, elevator car enclosure, door operators, elevator equipment, fire service operation, etc. Phone: (412) 357-2289. FAX: (412) 357-6480.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

Sanitation—24

SP 262782 Sealed bids will be received at Regional Office No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For pumping of the sewage treatment plant at Moraine State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager.

Department: Conservation and Natural Resources
Location: Moraine State Park, 225 Pleasant Valley Road, Portersville, PA 16051-9650
Duration: July 1, 1996 to June 30, 1999
Contact: Moraine State Park, (412) 368-8811

120007 Qualified Waste Management Firms to provide services to dispose of hazardous and non-hazardous wastes located at county sites and within roadway right of ways within the counties of Fayette, Greene, Washington and Westmoreland. Services include sampling, testing, identifying, providing overpacks when necessary, transporting and disposal. Bids must be submitted on the Commonwealth's Service Purchase Proposal/Contract Form with required attachments which are to be obtained from PennDOT Engineering District 12-0, phone: (412) 439-7236.

Department: Transportation
Location: Fayette, Greene, Washington, and Westmoreland Counties
Duration: July 1, 1996 through July 30, 1997
Contact: Lonnie J. Mangus, (412) 439-7236

Data Processing Services—27

0249104 One (1) Symantec Norton Administrator 250-user for networks. Product must be latest release with minimum of 60-day money back guarantee. Compatible with Windows 3.1 or greater. Product provides ability to centrally administer PC's across a LAN, performs hardware and software inventory, performs software license metering. One year unlimited telephone support and upgrades. Need documentation/reference manuals.

Department: Commerce
Location: 410 Forum Building, Harrisburg, PA 17120
Duration: 60 days and 1 year (60 day performance and 1 year support); bids accepted until 1/22/96
Contact: Information Management Department of Commerce, (717) 787-9610

03050912013 Contract to bid is for the production of a fixed fiberoptic interpretive map of the Battle of Bushy Run. Map includes an audio component. Contract includes fabrication and installation. Production will be completed off site and installation will be done into an expected interpretive exhibit or a temporary installation onto an existing wall if the expected interpretive exhibit is not installed. Mailing address: P. O. Box 468, Harrison City, PA 15636-0468.

Department: Historical and Museum Commission
Location: Bushy Run Battlefield, Bushy Run Road, Route 993, Jeannette, PA 15644
Duration: To June 1, 1996
Contact: John F. Giblin, (412) 527-5584

[Pa.B. Doc. No. 96-32. Filed for public inspection January 5, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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|---|--|
| <p>01. BARBER SERVICES
general</p> <p>02. PERSONNEL/CLERICAL SERVICES
transcribing, telephone answering, radio dispatch, secretarial, temporary help employment agency</p> <p>03. TELECOMMUNICATIONS SERVICES AND EQUIPMENT
mobile radios, P. A. systems, televisions, radios and telephones: equipment and repair</p> <p>04. CONSTRUCTION
alterations, miscellaneous, roofing, building, flooring, remodeling, asphalt and concrete, paving, highway projects, stream rehabilitation projects</p> <p>05. HVAC
air conditioning and heating, water conditioner, miscellaneous repair, refrigeration services, furnace and steam plant</p> <p>06. ELEVATOR MAINTENANCE SERVICES
elevator maintenance</p> <p>07. CONSULTING SERVICES
miscellaneous, training, workshops, education, research, testing service, technical assistance legal, certified public accountant, management, public relations, bilingual services, planning, financial planning, environmental research</p> <p>08. COURT REPORTING SERVICES
hearing</p> <p>09. DEMOLITION AND RENOVATION
structure, equipment</p> <p>10. MEDICAL SERVICES
medicine and drugs, general, consultant, laboratory, optical, mortuary, dental, ambulance, health care, veterinarian</p> <p>11. ENGINEERING SERVICES
miscellaneous, geologic, civil, mechanical, electrical, surveying, solar</p> <p>12. FIREFIGHTING, SAFETY AND RESCUE SERVICES
guard, burglar alarm, private investigator, armed courier, miscellaneous equipment</p> <p>13. FOOD SERVICES
commodities, surplus food processing, employment opportunities, etc.</p> <p>14. FUEL-RELATED SERVICES
installation of fuel tanks, pumping stations, pipe lines for fuel, includes utility related services</p> <p>15. JANITORIAL SERVICES
includes general, commercial maintenance, sweeping, cleaning, property maintenance</p> <p>16. LANDSCAPING SERVICES
general, pruning, tropical plants, design, harvesting crops</p> <p>17. LAUNDRY AND DRY CLEANING SERVICES
linen, laundry</p> <p>18. LODGING/MEETING FACILITIES
rooms and service, meals, room and board</p> <p>19. MAIL SERVICES
delivery, labeling, stuffing</p> | <p>20. MAINTENANCE AND REPAIR SERVICES
installation and/or repair of windows, doors, siding, fencing, walls, tanks, recapping tires, plumbing, electrical, equipment maintenance, painting and restoration, carpeting services, welding, drilling, excavating</p> <p>21. MOVING SERVICES
moving, car rental, storage, hauling, flying, bus, freight, travel service</p> <p>22. MUSICAL SERVICES
tuning and repair of musical instruments, use of instructors</p> <p>23. PHOTOGRAPHY SERVICES
general, aerial, lab development, consultant, blueprint reproduction art studios and schematic, advertising, graphic arts</p> <p>24. SANITATION
sanitation, recycling</p> <p>25. SUBSCRIPTION SERVICES
textbook educational material, testing material, miscellaneous, newsletter, miscellaneous printing, advertising</p> <p>26. UPHOLSTERING SERVICES
repair, refinishing, restoration</p> <p>27. DATA PROCESSING SERVICES
computer, keypunch, programming, analysis miscellaneous, equipment rental</p> <p>28. PEST CONTROL SERVICES
pest control, termite control, biological pest control</p> <p>29. RELIGIOUS SERVICES
contracting various clergy for hospitals, centers, etc.</p> <p>30. AUCTIONEER SERVICES
assistance in the sale of motor vehicles, equipment, etc.</p> <p>31. CHILD CARE SERVICES
Statewide child care services</p> <p>32. INSURANCE SERVICES
miscellaneous brokerage insurance services</p> <p>33. MECHANICAL MAINTENANCE AND REPAIRS
installation of handicap equipment into vehicles, homes, etc.</p> <p>34. RAILROAD SERVICES
transporting of goods by rail</p> <p>35. REAL ESTATE SERVICES
acquisition, disposition, leasing and appraisals of real estate</p> <p>36. SHOE REPAIRS
repair of shoes, braces and prosthetics</p> <p>37. RENTALS/LEASES
of medical equipment, construction equipment, movies, canvas tents, laboratory equipment, vehicles, storage facilities, office space</p> <p>38. MINE RECLAMATION
backfilling mine openings, extinguishing abandoned mine fires, flushing of mine voids, acid mine drainage abatement, regrading surface mines</p> <p>39. DRILLING SERVICES
well drilling, core drilling and exploratory drilling</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
0043-07	01/01/96	Nittany Valley Offset	10,482.70	5610-25 RIP No. 1	12/22/95	Common- wealth Stone	65,825.00
1061305-01	12/22/95	Anacomp, Inc.	35,739.00	5610-25 RIP No. 1	12/22/95	New Enter- prise Stone and Lime	144,300.00
1304155-01	12/22/95	Recreation Equipment Unlimited	7,406.00	5610-25 REAWARD	12/19/95	Edwards G. F. Co.	15,298.00
1475175-01	12/22/95	Telesensory	11,404.00	7313220-01	12/22/95	Duplex Prod- ucts, Inc.	3,875.00
1579185-01	12/22/95	Telesensory, Inc.	7,764.00	8135-02	01/01/96	National Of- fice and School Sup- plies	49,080.00
1669115-01	12/22/95	Common- wealth Int'l Trucks, Inc.	32,200.00	8502730-01	12/22/95	Coburn Chemicals, Inc.	13,524.00
1670185-01	12/22/95	Digita-L-Ink	269,892.00	8730-01	01/01/96	Beachley- Hardy Seed Co.	2,420.00
1759215-01	12/22/95	Dabmar Com- pany, Inc.	7,480.00	8730-01	01/01/96	Seed Corpora- tion of America, Inc.	65.00
1765155-01	12/22/95	TBJ, Inc.	21,949.00	8730-01	01/01/96	Pro-Lawn Products	38,389.00
1792815-01	12/22/95	Humanware, Inc.	3,350.00	8915-03	12/28/95	Feeser's, Inc.	2,222,269.10
1821385-01	12/22/95	Somerset Welding and Steel, Inc.	8,350.00	8915-03	12/28/95	Weis Food Ser- vice	1,042,538.90
1823215-01	12/22/95	Harnel Phar- maceutical Company	3,572.60	9905-12	01/01/96	J. O. Herbert III Company	86,113.90
1840215-01	12/22/95	CIBA Pharma- ceuticals	12,176.10			GARY E. CROWELL, <i>Secretary</i>	
1921215-01	12/22/95	Bellco Drug Corporation	6,134.90				
2372124-01	12/22/95	Pennsylvania Electric Co.	5,068.09				
5610-25 RIP No. 1	12/22/95	Waylite Corp.	41,250.00				
5610-25 RIP No. 1	12/22/95	HRI, Inc.— Boalsburg	10,330.00				

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